

§0.401

(i) Develop programs and strategies designed to foster and encourage fairness, equality, and inclusion of all employees in the workforce.

[61 FR 2728, Jan. 29, 1996]

Subpart C—General Information

GENERAL

§0.401 Location of Commission offices.

The Commission maintains several offices and receipt locations. Applications and other filings not submitted in accordance with the addresses or locations set forth below will be returned to the applicant without processing. When an application or other filing does not involve the payment of a fee, the appropriate filing address or location is established elsewhere in the rules for the various types of submissions made to the Commission. The public should identify the correct filing location by reference to these rules. Applications or submissions requiring fees must be submitted in accordance with §0.401(b) of the rules irrespective of the addresses that may be set out elsewhere in the rules for other submissions.

(a) General correspondence, as well as applications and filings not requiring the fees set forth at part 1, subpart G of the rules (or not claiming an exemption, waiver or deferral from the fee requirement), should be delivered to one of the following locations.

(1) The main office of the Commission is located at 445 12th Street, SW., Washington, DC 20554.

(i) Documents submitted by mail to this office should be addressed to: Federal Communications Commission, Washington, DC 20554.

(ii) Hand-carried documents should be delivered to the Secretary's Office, Room TW-A325, 445 12th Street, SW., Washington, DC 20554.

(iii) Electronic filings, where permitted, must be transmitted as specified by the Commission or relevant Bureau or Office.

(2) The Commission's laboratory is located near Columbia, Maryland. The mailing address is:

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Federal Communications Commission,
Equipment Authorization Division, 7435
Oakland Mills Road, Columbia, MD 21046

(3) The Commission also maintains offices at Gettysburg, PA.

(i) The address of the Wireless Telecommunications Bureau's licensing facilities are:

(A) Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245; and

(B) Federal Communications Commission, Wireless Telecommunications Bureau, Washington, DC 20554.

(ii) The mailing address of the International Telecommunications Section of the Finance Branch is: Federal Communications Commission, P.O. Box IT-70, Gettysburg, PA 17326.

(4) The locations of the field offices of the Compliance and Information Bureau are listed in §0.121.

(5) The location of the Office of General Counsel is Room 614, 1919 M Street NW., Washington, DC 20554.

(b) Applications or filings requiring the fees set forth at part 1, subpart G of the rules must be delivered to the Commission's lockbox bank in Pittsburgh, Pennsylvania with the correct fee and completed Fee Form attached to the application or filing, unless otherwise directed by the Commission. In the case of any conflict between this rule subpart and other rules establishing filing locations for submissions subject to a fee, this subpart shall govern.

NOTE: Applicants seeking a waiver or deferral of fees must submit their application or filing in accordance with the addresses set forth below. Applicants claiming a statutory exemption from the fees should file their applications in accordance with paragraph (a) of this section.

(1) Applications and filings submitted by mail shall be addressed to the Mellon Bank in Pittsburgh, Pennsylvania. The bank maintains separate post office boxes for the receipt of different types of applications. It will also establish special post office boxes to receive responses to special filings such as applications filed in response to "filing windows" established by the Commission. The address for the submission of filings will be established in the Public Notice announcing the filing dates. In all other cases, applications and filings submitted by mail should be sent to

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the addresses listed in the appropriate fee rules.

NOTE: Wireless Telecommunications Bureau applications that require frequency coordination by certified coordinators must be submitted to the appropriate certified frequency coordinator before filing with the Commission. After coordination, the applications are filed with the Commission as set forth herein. (See §§90.127 and 90.175 of this chapter.)

(2) Applications and other filings may also be hand carried, in person or by courier, to the Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, room 153-2713, Pittsburgh, Pennsylvania. All applications and filings delivered in this manner must be in an envelope clearly marked for the "Federal Communications Commission," addressed to the attention of "Wholesale Lockbox Shift Supervisor," and identified with the appropriate Post Office Box address as set out in the fee schedule (§§1.1102-1.1107). Applications should be enclosed in a separate envelope for each Post Office Box. Hand-carried or couriered applications and filings may be delivered at any time on any day. Applications or filings received by the bank before midnight on any Commission business day will be treated as having been filed on that day. Materials received by the bank after midnight, Monday through Friday, or on weekends or holidays, will be treated as having been filed on the next Commission business day.

(3) Alternatively, applications and other filings may be sent electronically via the Universal Licensing System (ULS).

[52 FR 10227, Mar. 31, 1987, as amended at 53 FR 18564, May 24, 1988; 53 FR 40886, Oct. 19, 1988; 54 FR 12453, Mar. 27, 1989; 55 FR 19154, May 8, 1990; 56 FR 64714, Dec. 12, 1991; 58 FR 13020, Mar. 9, 1993; 60 FR 5325, Jan. 27, 1995; 60 FR 35507, July 10, 1995; 61 FR 8477, Mar. 5, 1996; 63 FR 24124, May 1, 1998; 63 FR 36596, July 7, 1999; 63 FR 68919, Dec. 14, 1998; 65 FR 58466, Sept. 29, 2000]

§ 0.403 Office hours.

The main offices of the Commission are open from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays, unless otherwise stated.

[52 FR 10228, Mar. 31, 1987]

§ 0.405 Statutory provisions.

The following statutory provisions, among others, will be of interest to persons having business with the Commission:

(a) The Federal Communications Commission was created by the Communications Act of 1934, 48 Stat. 1064, June 19, 1934, as amended, 47 U.S.C. 151-609.

(b) The Commission exercises authority under the Submarine Cable Landing Act, 42 Stat. 8, May 27, 1921, 47 U.S.C. 34-39. See section 5 of Executive Order 10530, 19 FR 2709, May 10, 1954, as amended, 3 CFR, 1965 ed., p. 463.

(c) The Commission exercises authority under the Communications Satellite Act of 1962, 76 Stat. 419, August 31, 1962, 47 U.S.C. 701-744.

(d) The Commission operates under the Administrative Procedure Act, 60 Stat. 237, June 11, 1946, as amended, originally codified as 5 U.S.C. 1001-1011. Pursuant to Pub. L. 89-554, September 6, 1966, 80 Stat. 378, the provisions of the Administrative Procedure Act now appear as follows in the Code:

Administrative Procedure Act	5 U.S.C.
Sec. 2-9	551-558
Sec. 10	701-706
Sec. 11	3105, 7521, 5362, 1305
Sec. 12	559

[32 FR 10570, July 19, 1967]

§ 0.406 The rules and regulations.

Persons having business with the Commission should familiarize themselves with those portions of its rules and regulations pertinent to such business. All of the rules have been published and are readily available. See §§0.411(b), 0.412, and 0.415. For the benefit of those who are not familiar with the rules, there is set forth in this section a brief description of their format and contents.

(a) *Format.* The rules are set forth in the Code of Federal Regulations as chapter I of title 47. Chapter I is divided into parts numbered from 0-99. Each part, in turn, is divided into numbered sections. To allow for the addition of new parts and sections in logical sequence, without extensive renumbering, parts and sections are not always numbered consecutively. Thus,

for example, part 2 is followed by part 5, and §1.8 is followed by §1.10; in this case, parts 3 and 4 and §1.9 have been reserved for future use. In numbering sections, the number before the period is the part number; and the number after the period locates the section within that part. Thus, for example, §1.1 is the first section of part 1 and §5.1 is the first section in part 5. Except in the case of accounting regulations (parts 31–35), the period should not be read as a decimal point; thus, §1.511 is not located between §§1.51 and 1.52 but at a much later point in the rules. In citing the Code of Federal Regulations, the citation, 47 CFR 5.1, for example, is to §5.1 (in part 5) of chapter I of title 47 of the Code, and permits the exact location of that rule. No citation to other rule units (e.g., subpart or chapter) is needed.

(b) *Contents.* Parts 0–19 of the rules have been reserved for provisions of a general nature. Parts 20–69 of this chapter have been reserved for provisions pertaining to common carriers. Parts 20–29 and 80–109 of this chapter have been reserved for provisions pertaining to the wireless telecommunications services. In the rules pertaining to common carriers, parts 20–25 and 80–99 of this chapter pertain to the use of radio; in the rules pertaining to common carriers, parts 21, 23, and 25 of this chapter pertain to the use of radio; parts 31–66 of this chapter pertain primarily to telephone and telegraph companies. Persons having business with the Commission will find it useful to consult one or more of the following parts containing provisions of a general nature in addition to the rules of the radio or wire communication service in which they are interested:

(1) *Part 0, Commission organization.* Part 0 describes the structure and functions of the Commission, lists delegations of authority to the staff, and sets forth information designed to assist those desiring to obtain information from, or to do business with, the Commission. This part is designed, among other things, to meet certain of the requirements of the Administrative Procedure Act, as amended.

(2) *Part 1 of this chapter, practice and procedure.* Part 1, subpart A, of this chapter contains the general rules of

practice and procedure. Except as expressly provided to the contrary, these rules are applicable in all Commission proceedings and should be of interest to all persons having business with the Commission. Part 1, subpart A of this chapter also contains certain other miscellaneous provisions. Part 1, subpart B, of this chapter contains the procedures applicable in formal hearing proceedings (see §1.201 of this chapter). Part 1, subpart C, of this chapter contains the procedures followed in making or revising the rule or regulations. Part 1, subpart D, of this chapter contains rules applicable to applications for licenses in the Broadcast Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting upon such applications, and certain other matters. Part 1, subpart F, of this chapter contain rules applicable to applications for licenses in the Wireless Telecommunications Bureau services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Additional procedures applicable to certain common carriers by radio are set forth in part 21 of this chapter. Part 1, subpart F, of this chapter contains rules applicable to applications for licenses in the Private Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Part 1, subpart G, of this chapter contains rules pertaining to the application processing fees established by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272, 100 Stat. 82 (1986)) and also contains rules pertaining to the regulatory fees established by the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66, 107 Stat. 397 (1993)). Part 1, subpart H, of this chapter, concerning *ex parte* presentations, sets forth standards governing communications with commission personnel in hearing proceedings and contested application proceedings. Part 1, subparts G and H, of this chapter will be of interest to all regulatees, and part 1, subpart H, of this chapter will, in addition, be of interest to all

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persons involved in hearing proceedings.

(3) *Part 2, frequency allocations and radio treaty matters; general rules and regulations.* Part 2 will be of interest to all persons interested in the use of radio. It contains definitions of technical terms used in the rules and regulations; provisions governing the allocation of radio frequencies among the numerous uses made of radio (e.g., broadcasting, land mobile) and radio services (e.g., television, public safety), including the Table of Frequency Allocations (§2.106); technical provisions dealing with emissions; provisions dealing with call signs and emergency communications; provisions governing authorization of radio equipment; and a list of treaties and other international agreements pertaining to the use of radio.

(4) *Part 5, experimental radio services (other than broadcast).* Part 5 deals with the temporary use of radio frequencies for research in the radio art, for communication involving other research projects, and for the development of equipment, data, or techniques.

(5) *Part 13, commercial radio operators.* Part 13 describes the procedures to be followed in applying for a commercial operator license, including the forms to be used and the examinations given, and sets forth rules governing licensed operators. It will be of interest to applicants for such licenses, licensed operators, and the licensees of radio stations which may be operated only by persons holding a commercial radio operator license.

(6) *Part 15, radio frequency devices.* Part 15 contains regulations designed to prevent harmful interference to radio communication from radio receivers and other devices which radiate radio frequency energy, and provides for the certification of radio receivers. It also provides for the certification of low power transmitters and for the operation of certificated transmitters without a license.

(7) *Part 17, construction, marking, and lighting of antenna structures.* Part 17 contains criteria for determining whether applications for radio towers require notification of proposed con-

struction to the Federal Aviation Administration, and specifications for obstruction marking and lighting of antenna structures.

(8) *Part 18, industrial, scientific and medical equipment.* Part 18 contains regulations designed to prevent harmful interference to radio communication from ultrasonic equipment, industrial heating equipment, medical diathermy equipment, radio frequency stabilized arc welders, and other equipment which uses radio energy for purposes other than communication.

(9) *Part 19, employee responsibilities and conduct.* Part 19 prescribes standards of conduct for the members and staff of the Commission.

[32 FR 10571, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 37 FR 20553, Sept. 30, 1972; 52 FR 5288, Feb. 20, 1987; 58 FR 13021, Mar. 9, 1993; 59 FR 30998, June 16, 1994; 60 FR 35507, July 10, 1995; 63 FR 36596, July 7, 1998]

§ 0.408 OMB control numbers and expiration dates assigned pursuant to the Paperwork Reduction Act of 1995.

(a) *Purpose.* This section displays the control numbers and expiration dates for the Commission information collection requirements assigned by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. The Commission intends that this section comply with the requirement that agencies display current control numbers and expiration dates assigned by the Director, OMB, for each approved information collection requirement. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to the Associate Managing Director—Performance Evaluation and Records Management, ("AMD-PERM"), Federal Communications Commission, Washington, DC 20554.

(b) *Display*

OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060–0004	Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, ET Docket No. 93–62.	(¹)
3060–0009	FCC 316	10/31/02
3060–0010	FCC 323	11/30/02
3060–0012	FCC 701	07/31/03
3060–0016	FCC 346	01/31/04
3060–0017	FCC 347	02/28/03
3060–0020	FCC 406	05/31/02
3060–0021	FCC 480	12/31/03
3060–0024	Sec. 76.29	(¹)
3060–0025	FCC 755	08/31/03
3060–0027	FCC 301	08/31/03
3060–0029	FCC 302–TV	06/30/04
3060–0031	FCC 314	05/31/04
3060–0032	FCC 315	05/31/04
3060–0034	FCC 340	02/29/04
3060–0049	FCC 753	08/31/03
3060–0053	FCC 703	10/31/02
3060–0054	FCC 820	12/31/01
3060–0055	FCC 327	04/30/03
3060–0056	FCC 730	09/30/01
3060–0057	FCC 731 and Secs. 2.911, 2.960, and 2.1033(a)	06/30/03
3060–0059	FCC 740	08/31/03
3060–0061	FCC 325	07/31/02
3060–0062	FCC 330	03/31/02
3060–0065	FCC 442	02/28/02
3060–0066	FCC 330–R	07/31/03
3060–0069	FCC 756	09/30/02
3060–0072	FCC 409	11/30/01
3060–0075	FCC 345	10/31/03
3060–0076	FCC 395	02/28/03
3060–0084	FCC 323–E	07/31/02
3060–0089	FCC 503	10/30/01
3060–0093	FCC 405	11/30/03
3060–0095	FCC 395–A	04/30/03
3060–0105	FCC 430	11/30/03
3060–0106	Sec. 43.61	12/31/02
3060–0110	FCC 303–S	07/31/04
3060–0113	FCC 396	04/30/03
3060–0120	FCC 396–A	04/30/03
3060–0126	Sec. 73.1820	10/31/02
3060–0127	FCC 1046	03/31/03
3060–0132	FCC 1068–A	01/31/04
3060–0139	FCC 854/854–R/854ULS	08/31/02
3060–0147	Sec. 64.804	02/28/03
3060–0149	Part 63, Section 214, Secs. 63.01–63.601	11/30/01
3060–0157	Sec. 73.99	05/31/03
3060–0160	Sec. 73.158	01/31/02
3060–0161	Sec. 73.61	12/31/02
3060–0166	Part 42	09/30/01
3060–0168	Sec. 43.43	06/30/03
3060–0169	Secs. 43.51 and 43.53	04/30/02
3060–0170	Sec. 73.1030	03/31/02
3060–0171	Sec. 73.1125	10/31/01
3060–0173	Sec. 73.1207	07/31/04
3060–0174	Sec. 73.1212	07/31/02
3060–0175	Sec. 73.1250	10/31/02
3060–0176	Sec. 73.1510	11/30/02
3060–0178	Sec. 73.1560	01/31/03
3060–0179	Sec. 73.1590	07/31/04
3060–0180	Sec. 73.1610	02/28/02
3060–0181	Sec. 73.1615	12/31/02
3060–0182	Sec. 73.1620	04/30/04
3060–0184	Sec. 73.1740	12/31/01
3060–0185	Sec. 73.3613	10/31/02
3060–0187	Sec. 73.3594	02/29/04
3060–0188	FCC 380	08/31/04
3060–0190	Sec. 73.3544	02/29/04
3060–0192	Sec. 87.103	01/31/04
3060–0194	Sec. 74.21	12/31/01
3060–0202	Sec. 87.37	10/31/03
3060–0204	Sec. 90.20(a)(2)(v)	07/31/02

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OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060-0206	Part 21	07/31/04
3060-0207	Secs. 11.35, 11.51 and 11.52	11/30/02
3060-0208	Sec. 73.1870	04/30/03
3060-0211	Sec. 73.1943	(1)
3060-0212	Sec. 73.2080	04/30/03
3060-0213	Sec. 73.3525	11/30/03
3060-0214	Sec. 73.3526	10/31/02
3060-0215	Sec. 73.3527	10/31/01
3060-0216	Sec. 73.3538	11/30/01
3060-0219	Sec. 90.20(a)(2)(xi)	09/30/02
3060-0221	Sec. 90.155	12/31/01
3060-0222	Sec. 97.213	10/31/03
3060-0223	Sec. 90.129	04/30/02
3060-0228	Sec. 80.59	07/31/04
3060-0233	Part 36	07/31/03
3060-0236	Sec. 74.703	06/30/02
3060-0240	Sec. 74.651	02/28/03
3060-0241	Sec. 74.633	02/28/03
3060-0242	Sec. 74.604	02/28/03
3060-0243	Sec. 74.551	05/31/02
3060-0245	Sec. 74.537	05/31/02
3060-0246	Sec. 74.452	08/31/03
3060-0248	Sec. 74.751	06/30/02
3060-0249	Sec. 74.781	04/30/03
3060-0250	Sec. 74.784	02/28/03
3060-0251	Sec. 74.833	09/30/02
3060-0254	Sec. 74.433	08/31/03
3060-0259	Sec. 90.263	10/31/03
3060-0261	Sec. 90.215	04/30/04
3060-0262	Sec. 90.179	12/31/01
3060-0264	Sec. 80.413	10/31/03
3060-0265	Sec. 80.868	07/31/04
3060-0270	Sec. 90.443	11/30/03
3060-0280	Sec. 90.633(f) & (g)	08/31/03
3060-0281	Sec. 90.651	05/31/04
3060-0286	Sec. 80.302	04/30/04
3060-0287	Sec. 78.69	10/31/01
3060-0288	Sec. 78.33	03/31/03
3060-0289	Secs. 76.601, 76.1704, 76.1705 and 76.1717	03/31/02
3060-0290	Sec. 90.517	05/31/02
3060-0291	Sec. 90.477	09/30/01
3060-0292	Part 69	11/30/03
3060-0295	Secs. 90.607(b)(1) & (c)(1)	03/31/04
3060-0297	Sec. 80.503	10/31/03
3060-0298	Part 61	11/30/01
3060-0307	Amendment of part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band.	06/30/03
3060-0308	Sec. 90.505	04/30/04
3060-0309	Sec. 74.1281	10/31/02
3060-0310	Sec. 76.1801	03/31/03
3060-0311	Sec. 76.54	09/30/02
3060-0313	Sec. 76.1701	Pending OMB Approval ⁽¹⁾
3060-0315	Sec. 76.1615	09/30/02
3060-0316	Sec. 76.1700	(1)
3060-0320	Sec. 73.1350	04/30/04
3060-0321	Sec. 73.68	01/31/02
3060-0325	Sec. 80.605	06/30/02
3060-0326	Sec. 73.69	09/30/02
3060-0329	Sec. 2.955	09/30/02
3060-0331	Secs. 76.1803 and 76.1804	08/31/04
3060-0332	Secs. 76.614 and 76.1706	09/30/01
3060-0340	Sec. 73.51	10/31/03
3060-0341	Sec. 73.1680	08/31/03
3060-0342	Sec. 74.1284	07/31/03
3060-0346	Sec. 78.27	03/31/04
3060-0347	Sec. 97.311	02/28/03
3060-0349	Secs. 76.73, 76.75, 76.79, and 76.1702	04/30/03
3060-0355	FCC 492 and FCC 492A	07/31/04
3060-0357	Sec. 63.701	11/31/01
3060-0360	Sec. 80.409(c)	08/31/04
3060-0362	Inspection of Radio Installation on Large Cargo and Small Passenger Ships.	02/28/03

OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060–0364	Secs. 80.409(d) and (e)	08/31/04
3060–0368	Sec. 97.523	06/30/03
3060–0370	Part 32	06/30/03
3060–0374	Sec. 73.1690	01/31/02
3060–0384	Sec. 64.904	09/30/03
3060–0386	Sec. 73.1635	07/31/02
3060–0387	Sec. 15.201(d)	12/31/02
3060–0390	FCC 395–B	04/30/03
3060–0391	Program to Monitor the Impact of Universal Service Support Mechanisms.	12/31/01
3060–0392	47 CFR Part 1, Subpart J, Pole Attachment Complaint Procedures	01/31/04
3060–0393	Sec. 73.54	10/31/02
3060–0394	Sec. 1.420	10/31/02
3060–0395	FCC Reports 43–02, FCC 43–05 and FCC 43–07	06/30/03
3060–0397	Sec. 15.7(a)	07/31/03
3060–0398	Secs. 2.948, 15.117(g)(2)	02/28/03
3060–0400	Tariff Review Plan	05/31/03
3060–0404	FCC 350	05/31/02
3060–0405	FCC 349	03/31/04
3060–0407	Sec. 73.3598	05/31/02
3060–0410	FCC 495A and FCC 495B	06/30/03
3060–0411	FCC 485	06/30/04
3060–0414	Terrain Shielding Policy	11/30/03
3060–0419	Secs. 76.94, 76.95, 76.155, 76.156, 76.157, 76.159 and 76.1609	10/31/01
3060–0421	New Service Reporting Requirements under Price Cap Regulation	05/31/03
3060–0422	Sec. 68.5	10/31/01
3060–0423	Sec. 73.3588	10/31/02
3060–0427	Sec. 73.3523	12/31/03
3060–0430	Sec. 1.1206	09/30/01
3060–0433	FCC 320	03/31/02
3060–0434	Sec. 90.20(e)(6)	05/31/02
3060–0435	Sec. 80.361	09/30/02
3060–0436	Secs. 15.214(c) and 68.200(k)	12/31/02
3060–0439	Sec. 64.201	03/31/04
3060–0441	Sec. 90.621(B)(4)	10/31/03
3060–0449	Sec. 1.65(c)	12/31/01
3060–0452	Sec. 73.3589	10/31/02
3060–0454	Regulation of International Accounting Rates	04/30/03
3060–0463	Secs. 64.601–64.605	06/30/03
3060–0465	Sec. 74.985	08/31/03
3060–0466	Sec. 74.1283	04/30/03
3060–0470	Secs. 64.901–64.903, Allocation of Cost, Cost Allocation Manual, RAO Letters 19 and 26.	05/31/03
3060–0473	Sec. 74.1251	12/31/02
3060–0474	Sec. 74.1263	04/30/03
3060–0475	Sec. 90.713	05/31/02
3060–0481	FCC 452R	08/31/03
3060–0483	Sec. 73.687	07/31/03
3060–0484	Sec. 63.100	01/31/02
3060–0488	Sec. 73.30	02/29/04
3060–0489	Sec. 73.37	02/29/04
3060–0490	Sec. 74.902	03/31/04
3060–0491	Sec. 74.991	03/31/04
3060–0492	Sec. 74.992	02/29/04
3060–0493	Sec. 74.986	02/29/04
3060–0494	Sec. 74.990	02/29/04
3060–0496	FCC Report 43–08	03/31/02
3060–0500	Sec. 76.1713	Pending OMB Approval
3060–0501	Secs. 76.206 and 76.1611	(¹)
3060–0502	Sec. 73.1942	(¹)
3060–0506	FCC 302–FM	12/31/02
3060–0508	Rewrite of Part 22	08/31/04
3060–0511	FCC Report 43–04	11/30/03
3060–0512	FCC Report 43–01	11/30/03
3060–0513	FCC Report 43–03	11/30/03
3060–0514	Sec. 43.21(b)	05/31/03
3060–0515	Sec. 43.21(c)	10/31/02
3060–0519	Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CC Docket No. 92–60.	12/31/01
3060–0526	Density Pricing Zone Plans, Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91–141.	10/31/02

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OMB Control No.	FCC Form Number or 47 CFR section or part, docket No. or title identifying the collection	OMB Expiration date
3060-0531	Local Multipoint Distribution Service (LMDS)	10/31/03
3060-0532	Secs. 2.1033(b)(11) and 15.121	08/31/02
3060-0537	Sec. 13.217	05/31/02
3060-0540	Tariff Filing Requirements for Nondominant Common Carriers	05/31/02
3060-0543	Sec 21.913	09/30/02
3060-0544	Sec. 76.701	12/31/03
3060-0546	Definition of Markets for Purposes of the Cable Television Mandatory Television Broadcast Signal Carriage Rules.	03/31/03
3060-0548	Secs. 76.56, 76.1614, 76.1620, 76.1708, and 76.1709	10/31/01
3060-0550	FCC 328	10/31/02
3060-0551	Secs. 76.1002 and 76.1004	10/31/03
3050-0554	Sec. 87.199	06/30/02
3060-0556	Sec. 80.1061	06/30/02
3060-0560	Sec. 76.911	(¹)
3060-0561	Sec. 76.913	10/31/03
3060-0562	Sec. 76.916	07/31/04
3060-0564	Sec. 76.924	12/31/02
3060-0565	Sec. 76.944	10/31/03
3060-0567	Sec. 76.962	02/28/02
3060-0568	Commercial Leased Access Rates, Terms, & Conditions	06/30/03
3060-0569	Sec. 76.975	06/30/03
3060-0570	Sec. 76.982	07/31/04
3060-0572	Filing Manual for Annual International Circuit Status Reports	10/31/02
3060-0573	FCC 394	12/31/02
3060-0574	FCC 395-M	04/30/03
3060-0580	Sec. 76.504	08/31/03
3060-0581	Sec. 76.503	05/31/03
3060-0584	FCC 44 and FCC 45	12/31/02
3060-0589	FCC 159 and FCC 159-C	08/31/03
3060-0594	FCC 1220	06/30/04
3060-0595	FCC 1210	(¹)
3060-0599	Implementation of Sections 3(n) and 332 of the Communications Act ...	01/31/04
3060-0600	FCC 175 and FCC 175-S	04/30/04
3060-0601	FCC 1200	06/30/04
3060-0602	Sec. 76.917	04/30/03
3060-0607	Sec. 76.922	10/31/03
3060-0609	Sec. 76.934(e)	07/31/04
3060-0610	Sec. 76.1606	07/31/04
3060-0611	Sec. 74.783	08/31/03
3060-0613	Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91-141, Transport Phase II.	08/31/03
3060-0621	Rules and Requirements for C & F Block Broadband PCS Licenses	04/30/04
3060-0624	Sec. 24.103(f)	04/30/04
3060-0625	Amendment of the Commission's Rules to Establish New Personal Communications Services under Part 24.	03/31/04
3060-0626	Regulatory Treatment of Mobile Services	05/31/04
3060-0627	FCC 302-AM	12/31/02
3060-0629	Sec. 76.1605	07/31/04
3060-0630	Sec. 73.62	09/30/01
3060-0633	Secs. 73.1230, 74.165, 74.432, 74.564, 74.664, 74.765, 74.832, 74.965 and 74.1265.	08/31/04
3060-0634	Sec. 73.691	04/30/04
3060-0636	Equipment Authorization—Declaration of Compliance—Amendment of Parts 2 and 15.	10/31/02
3060-0638	Sec. 76.934(g)	02/28/02
3060-0641	FCC 218-I	10/31/02
3060-0644	FCC 1230	02/28/02
3060-0645	Antenna Registration, Part 17	04/30/02
3060-0647	Annual Survey of Cable Industry Prices	04/30/03
3060-0648	Sec. 21.902	11/30/02
3060-0649	Secs. 76.1601, 76.1607, 76.1617, and 76.1708	12/31/01
3060-0652	Secs. 76.309, 76.1602, 76.1603, and 76.1619	10/31/01
3060-0653	Consumer Information—Posting by Aggregators, Secs. 64.703(b) and (c).	01/31/02
3060-0654	FCC 304	10/31/01
3060-0655	Request for Waivers of Regulatory and Application Fees Predicated on Allegations of Financial Hardship.	(¹)
3060-0656	FCC 175-M	11/30/01
3060-0657	Sec. 21.956	09/30/01
3060-0658	Sec. 21.960	11/30/01
3060-0660	Sec. 21.937	09/30/01
3060-0661	Sec. 21.931	10/31/01

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3060–0662	Sec. 21.930	09/30/01
3060–0663	Sec. 21.934	09/30/02
3060–0664	FCC 304-A	10/31/01
3060–0665	Sec. 64.707	01/31/02
3060–0667	Secs. 76.630, 76.1612, and 76.1622	10/31/01
3060–0668	Sec. 76.936	03/31/02
3060–0669	Sec. 76.946	05/31/02
3060–0673	Sec. 76.956	03/31/02
3060–0674	Secs. 76.1603 and 76.1618	06/30/02
3060–0678	FCC 312, FCC 312–EZ, FCC 312–R, FCC 312–M, and FCC–312 Schedules.	02/29/04
3060–0681	Toll-Free Service Access Codes, Part 52, Subpart D, Secs. 52.101–52.111.	09/30/03
3060–0683	Direct Broadcast Satellite Service, Part 100	10/31/03
3060–0684	Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, WT Docket No. 95–157.	01/31/04
3060–0685	FCC 1240	08/31/04
3060–0686	Streamlining the International Section 214 Authorization Process and Tariff Requirements.	03/31/04
3060–0687	Access to Telecommunications Equipment and Services by Persons with Disabilities.	05/31/02
3060–0688	FCC 1235	07/31/02
3060–0690	Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands	12/31/02
3060–0691	Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896–901 MHz Bands Allotted to Specialized Mobile Radio Service.	04/30/04
3060–0692	Home Wiring Provisions	05/31/04
3060–0695	Sec. 87.219	03/31/02
3060–0697	Parts 22 and 90 to Facilitate Future Development of Paging Systems ..	10/31/03
3060–0698	Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico.	05/31/04
3060–0700	FCC 1275	12/31/03
3060–0702	Amendment to Parts 20 and 24 of the Commission's Rules, Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap.	03/31/04
3060–0703	FCC 1205	11/30/02
3060–0704	Public Disclosure Requirement Amended, CC Docket No. 96–61	09/30/02
3060–0706	Cable Act Reform	06/30/02
3060–0707	Over-the Air Reception Devices	05/31/02
3060–0710	Policy and Rules Concerning the Implementation of the Local Competition Provisions in the Telecommunications Act of 1996—CC Docket No. 96–98.	08/31/03
3060–0711	Implementation of Section 34(a)(1) of the Public Utility Holding Company Act of 1935, as amended by the Telecommunications Act of 1996, Secs. 1.5001 through 1.5007.	12/31/03
3060–0713	Alternative Broadcast Inspection Program (ABIP) Compliance Notification.	08/31/02
3060–0714	Antenna Registration Number Required as Supplement to Application Forms.	11/30/02
3060–0715	Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information—CC Docket No. 96–115.	(¹)
3060–0716	Blanketing Interference	04/30/03
3060–0717	Billed Party Preference for InterLATA Calls, Secs. 64.703(a), 64.709, and 64.710.	07/31/04
3060–0718	Part 101 Governing the Terrestrial Microwave Fixed Radio Service	10/31/02
3060–0719	Quarterly Report of IntraLATA Carriers Listing Pay Phone Automatic Number Identifications (ANIs).	10/31/03
3060–0723	Public Disclosure of Network Information by Bell Operating Companies	09/30/03
3060–0725	Annual Filing of Nondiscrimination Reports (on Quality of Service, Installation, and Maintenance) by Bell Operating Companies (BOC's).	08/31/03
3060–0726	Quarterly Report of Interexchange Carriers Listing the Number of Dial-Around Calls for Which Compensation is Being Paid to Pay Phone Owners.	08/31/03
3060–0727	Sec. 73.213	11/30/03
3060–0728	Supplemental Information Requesting FCC Registration Number (FRN) for Debt Collection.	08/31/03
3060–0732	Consumer Education Concerning Wireless 911	04/30/03
3060–0734	Accounting Safeguards, 47 U.S.C. Sections 260, 271–276, and 47 CFR Secs. 53.209, 53.211 and 53.213, SEC Form 10–K.	06/30/03

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3060-0736	Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended—CC Docket No. 96-149.	(¹)
3060-0737	Disclosure Requirements for Information Services Provided Under a Presubscription or Comparable Arrangement.	03/31/03
3060-0739	Amendment of the Commission's Rules to Establish Competitive Safeguards for Local Exchange Carrier Provisions of Commercial Mobile Radio Services.	01/31/02
3060-0740	Sec. 95.1015	11/30/02
3060-0741	Implementation of the Local Competition Provisions on the Telecommunications Act of 1996—CC Docket No. 96-98.	04/30/04
3060-0742	Telephone Number Portability, Part 52, Subpart C, Secs. 52.21—52.33	09/30/03
3060-0743	Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996—CC Docket No. 96-128.	10/31/03
3060-0745	Implementation of the Local Exchange Carrier Tariff Streamlining Provisions, CC Docket No. 96-187.	12/31/03
3060-0748	Disclosure Requirements for Information Services Provided through Toll-Free Numbers, Sec. 64.1504.	07/31/03
3060-0749	Sec. 64.1509	07/31/03
3060-0750	Sec. 73.673	05/31/03
3060-0751	Reports Concerning International Private Lines Interconnected to the U.S. Public Switched Network.	05/31/03
3060-0752	Billing Disclosure Requirements for Pay-Per-Call and Other Information Services, Sec. 64.1510.	07/31/03
3060-0754	FCC 398	06/30/04
3060-0755	Infrastructure Sharing, Secs. 59.1—59.4	05/31/03
3060-0756	Procedural Requirements and Policies for Commission Processing of Bell Operating Company (BOC) Applications for the Provision of In-Region, InterLATA Services under Section 271 of the Telecommunications Act of 1996.	10/31/01
3060-0757	FCC Auctions Customer Survey	01/31/04
3060-0758	Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations, ET Docket No. 96-256.	06/30/03
3060-0760	Access Charge Reform—CC Docket No. 96-262	10/31/02
3060-0761	Closed Captioning of Video Programming	02/29/04
3060-0763	FCC Report 43-06	03/31/02
3060-0765	Revision of Parts 22 and 90 of the Commission's Rules to Facilitate Future Development of Paging Systems.	10/31/03
3060-0767	Auction Forms and License Transfer Disclosures—Supplement for the 2nd R&O, Order on Reconsideration, and 5th NPRM in CC Docket No. 92-297.	04/30/04
3060-0768	28 GHz Band Segmentation Plan Amending the Commission's Rules to Redesignate the 27.5—29.5 GHz Frequency Band, to Reallocate the 29.5—30.0 GHz Frequency Band, and to Establish Rules and Policies for Local Multipoint Distribution Services and for the Fixed Satellite Service.	06/30/03
3060-0769	Aeronautical Services Transition Plan	06/30/03
3060-0770	Price Cap Performance Review for Local Exchange Carriers—CC Docket No. 94-1 (New Services).	10/31/02
3060-0771	Sec. 5.61, Procedure for Obtaining a Special Temporary Authorization in the Experimental Radio Service.	12/21/03
3060-0773	Sec. 2.803, Marketing of RF Devices Prior to Equipment Authorization	09/30/03
3060-0774	Federal-State Joint Board on Universal Service—CC Docket No. 96-45, Secs. 36.611 and 36.612 and 47 CFR Part 54.	06/30/04
3060-0775	Secs. 64.1901—64.1903	09/30/03
3060-0779	Amendment to Part 90 of the Commission's Rules to Provide for Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, PR Docket No. 89-552.	04/30/04
3060-0780	Uniform Rate-Setting Methodology	11/30/03
3060-0782	Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations.	01/31/04
3060-0783	Coordination Notification Requirements on Frequencies Below 512 MHz, Sec. 90.176.	01/31/04
3060-0786	Petitions for LATA Association Changes by Independent Telephone Companies.	01/31/04
3060-0787	Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance, FCC 478.	(¹)
3060-0788	DTV Showings/Interference Agreements	08/31/01?
3060-0789	Modified Alternative Plan, CC Docket No. 90-571	05/31/04

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3060–0790	Availability of Inside Wiring Information, Sec. 68.110(c)	11/30/03
3060–0791	Accounting for Judgments and Other Costs Associated with Litigation, CC Docket No. 93–240.	11/30/03
3060–0793	Procedures for States Regarding Lifeline Consent, Adoption of Intra-state Discount Matrix for Schools and Libraries, and Designation of Eligible Telecommunications Carriers.	08/31/02
3060–0795	ULS TIN Registration and FCC 606	08/31/02
3060–0798	FCC 601	03/31/04
3060–0799	FCC 602	02/28/02
3060–0800	FCC 603	01/31/02
3060–0801	Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses, WT Docket No. 97–82.	08/31/02
3060–0802	Message Intercept Requirement	11/30/01
3060–0804	Health Care Providers Universal Service Program—FCC 465, FCC 466, FCC 466–A, FCC 467, and FCC 468.	(¹)
3060–0805	Sec. 90.527	12/31/01
3060–0806	Universal Service, Schools and Libraries Program, FCC 470 and 471 ..	03/31/04
3060–0807	47 CFR 51.803 and Supplemental Procedures for Petitions to Section 252(e)(5) of the Communications Act of 1934, as amended.	04/30/04
3060–0809	Communications Assistance for Law Enforcement Act (CALEA)	04/30/03
3060–0810	Procedures for Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended.	03/31/04
3060–0812	Assessment and Collection of Regulatory Fees	08/31/02
3060–0813	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Calling Systems.	07/31/04
3060–0814	Local Switching Support and Local Switching Support Data Collection Form and Instructions, Sec. 54.301.	09/30/01
3060–0816	Local Competition and Broadband Reporting, CC Docket No. 99–301 ..	11/30/03
3060–0817	Computer III Further Remand Proceedings: BOC Provision of Enhanced Services (ONA Requirements), CC Docket No. 95–20.	08/31/03
3060–0819	Lifeline Assistance (Lifeline) Connection Assistance (Link Up) Reporting Worksheet and Instructions, 47 CFR 54.400–54.417, FCC 497.	05/31/04
3060–0820	Transfers of Control Involving Telecommunications Carriers	09/30/01
3060–0823	Pay Telephone Reclassification, Memorandum Opinion and Order, CC Docket No. 96–128.	12/31/01
3060–0824	FCC 498	(¹)
3060–0827	Request for Radio Station License Update	09/30/01
3060–0833	Implementation of Section 255 of the Telecommunications Act of 1996: Complaint Filings/Designation of Agents.	(¹)
3060–0834	Reconsideration of Rules and Policies for the 220–222 MHz Radio Service.	12/31/01
3060–0835	Ship Inspection Certificates, FCC 806, FCC 824, FCC 827 and FCC 829.	03/31/02
3060–0837	FCC 302–DTV	05/31/03
3060–0840	Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation—CC Docket No. 98–77.	09/30/01
3060–0841	Public Notice, Additional Processing Guidelines for DTV	04/30/02
3060–0844	Carriage of the Transmissions of Digital Television Broadcast Stations	10/31/01
3060–0848	Deployment of Wireline Services Offering Advanced Telecommunications Capability—CC Docket No. 98–147.	05/31/04
3060–0849	Commercial Availability of Navigation Devices	10/31/01
3060–0850	FCC 605	06/30/04
3060–0851	FCC 305	12/31/01
3060–0852	FCC 306	12/31/01
3060–0853	FCC 486, FCC 500, and FCC 479	12/31/01
3060–0854	Truth-in-Billing Format, CC Docket No. 98–170	03/31/04
3060–0855	FCC 499, FCC 499–Q	07/31/04
3060–0856	FCC 472, FCC 473, FCC 474	05/31/02
3060–0857	Annual Reporting Requirement for Blanket Licensing of Ka-band Satellite Earth Station.	12/31/01
3060–0858	State Public Safety Plan Requirements and Year 2000 Readiness	01/31/02
3060–0859	Suggested Guidelines for Petitions for Ruling under Section 253 of the Communications Act.	04/30/03
3060–0862	Handling Confidential Information	05/31/02
3060–0863	Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act.	07/31/02
3060–0864	Data to Determine Percentage of Interstate Telecommunications Revenues from Wireless Carriers and Submission of Data to Determine Eligibility.	02/28/02
3060–0865	Wireless Telecommunications Bureau Universal Licensing System Recordkeeping and Third-Party Disclosure Requirements.	10/31/03

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3060-0867	Request for Waiver of Section 20.18(c) of the Commission's Rules Regarding Compatibility with Enhanced 911 Emergency Calling Systems.	07/31/02
3060-0874	FCC 475	(1)
3060-0876	USAC Board of Directors Nomination Process, Sec. 54.703 and Review of Administrator's Decision, Secs. 54.719-54.725.	04/30/03
3060-0878	Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II ALI Requirements.	08/31/02
3060-0881	Sec. 95.861	04/30/02
3060-0882	Sec. 95.833	12/31/02
3060-0886	Sec. 73.3534	05/31/02
3060-0888	Cable Television Service Pleading and Complaint Rules—Part 76	06/30/02
3060-0891	FCC 330-A	07/31/02
3060-0892	Direct Broadcast Satellite Public Interest Obligations	07/31/02
3060-0893	Universal Licensing Service (ULS) Pre-Auction Database Corrections ..	09/30/03
3060-0894	Certification Letter Accounting for Receipt of Federal Support	05/31/03
3060-0895	Numbering Resource Optimization, FCC 502	01/31/04
3060-0896	Broadcast Auction Form Exhibits	07/31/02
3060-0897	MDS and ITFS Two-Way Transmissions	04/30/04
3060-0900	Compatibility of Wireless Services with Enhanced 911—CC Docket No. 94-102.	12/31/02
3060-0901	Reports of Common Carriers and Affiliates	04/30/03
3060-0905	Regulations for RF Lighting Devices, Part 18, Sec. 18.307	11/30/02
3060-0906	FCC 317	08/31/03
3060-0910	Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.	03/31/03
3060-0912	Cable Attribution Rules	04/30/03
3060-0914	Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule, or in the Alternative, for a Declaratory Ruling.	04/30/04
3060-0915	Public Notice—Information on Medical Telemetry Equipment Operating in the 450-460 MHz Band.	03/31/03
3060-0916	406 MHz Personal Locator Beacons (PLB's)	04/30/03
3060-0917	FCC 160	08/31/03
3060-0918	FCC 161	08/31/03
3060-0919	FCC 162	08/31/03
3060-0920	FCC 318	10/31/03
3060-0921	Petitions for LATA Boundary Modification for the Deployment of Advanced Services.	08/31/03
3060-0922	FCC 397	04/30/03
3060-0923	Election Statement	04/30/03
3060-0924	Creation of Low Power Radio Service	04/30/03
3060-0926	Transfer of the Bands from Federal Government Use: NPRM	01/31/04
3060-0927	Auditor's Annual Independence and Objectivity Certification	05/31/03
3060-0928	FCC 302-CA	12/31/03
3060-0929	FCC 331	02/29/04
3060-0930	Implementation of the Satellite Home Viewer Improvement Act (SHVIA) of 1999; Enforcement Procedures for Retransmission Consent Violations Conforming to Section 325(e) of the Communications Act of 1934, as amended.	12/31/02
3060-0931	Maritime Mobile Service Identity (MMSI)	06/30/03
3060-0932	FCC 301-CA	11/30/03
3060-0933	FCC 460	11/30/03
3060-0934	FCC 731-TC	01/31/04
3060-0935	Cable Industry Survey on Channel Capacity and Retransmission Consent.	2/31/03
3060-0936	Sec. 95.1215, Disclosure Policies; Sec. 95.1217, Labeling Requirements.	07/31/03
3060-0937	Establishment of a Class A Television Service, MM Docket No. 00-10	01/31/04
3060-0938	FCC 319	07/31/03
3060-0939	E911, Second Memorandum Opinion and Order	05/31/04
3060-0940	Amendment of Part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218-219 MHz Service, WT Docket No. 98-169.	07/31/03
3060-0942	Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service.	01/31/04
3060-0943	Sec. 54.809	12/31/03
3060-0944	Review of Commission Consideration of Applications Under the Cable Landing License Act.	08/31/03
3060-0945	Sec. 79.2	08/31/03
3060-0947	Sec. 101.1327	09/30/03
3060-0948	Noncommercial Educational Applicants	01/31/04

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3060–0949	FCC 159–W	10/31/03
3060–0950	Extending Wireless Telecommunications Services to Tribal Lands, WT Docket No. 99–266.	04/30/04
3060–0951	Service of Petitions for Preemption, 47 CFR Sec. 1.1204(b) Note, and Sec. 1.1206(a) Note 1.	01/31/04
3060–0952	Proposed Demographic Information and Notifications	10/31/03
3060–0953	Wireless Medical Telemetry Service, ET Docket No. 99–255	10/31/03
3060–0954	Third NPRM and NPRM Regarding Implementation of the 911 Act	10/31/03
3060–0955	2 GHz Mobile Satellite Service Reports	02/29/04
3060–0956	Notification of Emergency Alert System Status	11/30/03
3060–0957	Wireless Enhanced 911 Service	05/31/04
3060–0959	Compatibility Between Cable Systems and Consumer Electronics Equipment.	05/31/04
3060–0960	Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmissions.	(¹)
3060–0961	2000 Biennial Regulatory Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers; Phase 2 and Phase 3, CC Docket No. 00–199.	01/31/04
3060–0962	Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-Band, and the Allocation of Additional Spectrum for Broadcast Satellite Service Use.	01/31/04
3060–0963	Sec. 101.527, Construction Requirements for 24 GHz Operations; Sec. 101.529, Renewal Expectancy Criteria for 24 GHz Licensees.	02/29/04
3060–0966	Secs. 80.385, 80.475, and 97.303, Automated Marine Telecommunications Service (AMTS).	02/29/04
3060–0967	Sec. 79.2	02/29/04
3060–0968	FCC 501	07/31/04
3060–0969	Availability to INTELSAT Space Segment Capacity to Users and Providers Seeking to Access INTELSAT Directly.	02/29/04
3060–0970	Sec. 90.621(e)(2)	06/30/04
3060–0971	Numbering Resource Optimization	(¹)
3060–0972	Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers.	03/31/04
3060–0973	Sec. 64.1120(e)	11/30/01
3060–0974	Proposed Requirements for Secondary Market Transactions, CC Docket No. 99–200.	04/30/04
3060–0975	Promotion of Competitive Networks in Local Telecommunications Markets Multiple Environments (47 CFR Parts 1, 64 and 68).	05/31/04
3060–0977	Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934.	06/30/04
3060–0978	Compatibility with E911 Emergency Calling Systems; Fourth Report and Order.	06/30/04
3060–0979	Spectrum Audit Letter	10/31/01
3060–0980	Implementation of the Satellite Home Viewer Improvement Act (SHVIA), Broadcast Signal Carriage Issues, Retransmission Consent Issues.	06/30/04
3060–0981	1998 Biennial Review: Streamlining of Cable Television Services, Part 76, Public File and Notice Requirements.	06/30/04
3060–0982	Implementation of Low Power Television (LPTV) Digital Data Services Pilot Project.	10/31/01
3060–0983	Standards for Co-Channel and Adjacent Channel Interference in the Land Mobile Radio Service.	07/31/04
3060–0984	Secs. 90.35(b)(2) and 90.175(b)(1)	07/31/04
3060–0985	Public Safety, State Interoperability Channels	07/31/04
3060–0986	Federal-State Joint Board on Universal Service, Plan for Reforming the Rural Universal Support Mechanism.	12/31/01
3060–0988	Election to Freeze part 36 Categories and Allocations	12/31/01
3060–0989	Procedures for Applicants Requiring Section 214 Authorization for Domestic Interstate Transmission Lines Acquired Through Corporate Control.	12/31/01
3060–0991	AM Measurement Data	01/31/02
3060–0992	Request for Extension of the Implementation Deadline for Non-Recurring Services, CC Docket No. 96–45 and Sec. 54.507(d)(1)–(4).	01/31/02
3060–0993	Establishment of a Class A Television Service	02/28/02

¹Pending OMB approval.

[66 FR 48973, Sept. 25, 2001]

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§0.409 Commission policy on private printing of FCC forms.

The Commission has established a policy regarding the printing of blank FCC forms by private companies if they elect to do so as a matter of expediency and convenience to their clients or consumers. The policy is as follows:

(a) Blank FCC forms may be reproduced by private companies at their own expense provided the following conditions are met:

(1) Use a printing process resulting in a product that is at least comparable in quality to the original document, without change to the page size, image size, configuration of pages, folds or perforations, and matching as closely as possible the paper weight, paper color and ink color.

(2) Delete in its entirety any and all U.S. Government Printing Office (GPO) indicia that may appear in the margin(s).

(3) If the printer wishes to identify a foreign country in which the forms are printed, a marginal notation must be added stating "No U.S. Government funds were used to print this document."

(4) Do not add to the form any other symbol, word or phrase that might be construed as personalizing the form or advertising on it.

(5) Except as specified above, do not delete from or add to any part of the form, or attach anything thereto.

(6) Assure that the form being reproduced is an edition currently acceptable by the Commission, which will endeavor to keep the public advised of revisions to its forms, but cannot assume responsibility to the extent of eliminating any element of risk against the use of obsolete forms.

(b) These guidelines do not apply to forms which respondents may wish to reproduce as completed facsimiles on automated equipment to satisfy application or report requirements. Requests for permission to submit such forms to the Commission should be addressed to the Office of Managing Director.

[53 FR 27861, July 25, 1988]

PRINTED PUBLICATIONS

§0.411 General reference materials.

The following reference materials are available in many libraries and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402:

(a) *Statutory materials.* Laws pertaining to communications are contained in Title 47 of the United States Code. Laws enacted since the printing of the last supplement to the Code are printed individually as slip laws, and these are compiled chronologically in the United States Statutes at Large. The Acts of Congress from 1910-62 pertaining to radio have been compiled in a single volume, *Radio Laws of the United States* (1962 ed.). See §§0.405 and 0.414.

(b) *Regulatory materials*—(1) *The Code of Federal Regulations.* The rules and regulations of the Commission are contained in chapter I of title 47 of the Code of Federal Regulations. Chapter I is divided into the following four subchapters, which may be purchased separately: Subchapter A—General; Subchapter B—Common Carrier Services; Subchapter C—Broadcast Radio Services; and Subchapter D—Private Radio Services. Most persons will find that they need subchapter A, containing the general rules, and one of the other volumes, depending upon their area of interest. These four volumes are revised annually to reflect changes in the rules. See §§0.406, 0.412, and 0.415. The Code of Federal Regulations is fully indexed and contains numerous finding aids. See 1 CFR appendix C.

(2) *The Federal Register.* As rules are adopted, amended, or repealed, the changes are published in the FEDERAL REGISTER, which is published daily except on legal holidays. Notices of proposed rule making, other rule making documents, statements of general policy, interpretations of general applicability, and other Commission documents having general applicability and legal effect are also published in the FEDERAL REGISTER. Summaries of the full Notices of proposed rule making

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and other rule making decisions adopted by the Commission constitute rule-making documents for purposes of FEDERAL REGISTER publication. The FEDERAL REGISTER is fully indexed and contains numerous findings aids.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979; 51 FR 7444, Mar. 4, 1986]

§0.413 The Commission's printed publications.

The Commission's printed publications are described in §§0.414 through 0.420. These publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

[64 FR 60722, Nov. 8, 1999]

§0.414 The Communications Act and other statutory materials.

This publication, with packets of revised pages, contains the Communications Act of 1934, with amendments through 1964; the Administrative Procedure Act, with amendments through 1964; the Judicial Review Act; the Communications Satellite Act of 1962; and selected sections of the Criminal Code pertaining to communications. It also contains indexes to the Communications Act and the Administrative Procedure Act. Persons who do not have ready access to the United States Code, or who refer frequently to these materials, may find this volume to be useful.

[32 FR 10571, July 19, 1967]

§0.415 The rules and regulations (looseleaf service).

(a) In this service, the rules are divided into 10 volumes, each containing several related parts. Each volume may be purchased separately from the Superintendent of Documents. The purchase price for a volume includes a subscription to replacement pages reflecting changes in the rules contained therein until such time as the volume is revised. Each volume is revised periodically, depending primarily on the frequency with which the rules it contains have been amended. When a volume is revised, the revised volume and replacement pages therefor will be furnished to those who renew their subscriptions.

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(b) [Reserved]

[41 FR 21449, May 26, 1976, as amended at 45 FR 49935, July 28, 1980; 51 FR 31304, Sept. 2, 1986]

§0.416 The Federal Communications Commission Record.

Texts adopted by the Commission or a member of its staff on delegated authority and released through the Office of Media Relations are published in the FCC Record. The FCC Record is published biweekly in pamphlet form. The pamphlets are available on a subscription basis from the Superintendent of Documents. Each biweekly pamphlet contains a table of contents and current index. A consolidated index is published on a periodic basis.

[64 FR 60722, Nov. 8, 1999]

§0.417 The Annual Reports.

At the end of each fiscal year, the Commission publishes an Annual Report containing general information concerning the Commission and the history of regulation, a summary of developments during the year, and selected industry statistics.

[32 FR 10571, July 19, 1967]

§0.420 Other Commission publications.

The following additional Commission publications may be purchased from the Superintendent of Documents:

(a) Statistics of Communications Common Carriers.

(b) Figure M-3, Estimated AM Ground Conductivity of the United States (set of two maps).

(c) Television Network Program Procurement Report, 2d Interim Report, Part 2, by the Office of Network Study.

[32 FR 10571, July 19, 1967, as amended at 44 FR 39180, July 5, 1979]

FORMS AND DOCUMENTS AVAILABLE
UPON REQUEST

§0.421 Application forms.

All forms for use in submitting applications for radio authorization, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the field offices listed in §0.121. For information

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concerning the forms to be used and filing requirements, see subparts D, E, F, and G, of part 1 of this chapter and the appropriate substantive rules.

[40 FR 17254, Apr. 18, 1975]

§0.422 Current action documents and public notices.

Documents adopted by the Commission, public notices and other public announcements are released through the Office of Media Relations. These documents are also available on the Commission's website at www.fcc.gov/ and can be obtained from the Commission's duplicating contractor.

[64 FR 60722, Nov. 8, 1999]

§0.423 Information bulletins.

Information bulletins and fact sheets containing information about communications issues and the Federal Communications Commission are available on the Commission's web site at www.fcc.gov, ftp.fcc.gov or may be requested from the Consumer Information Bureau, Consumer Information Network Division.

[64 FR 60722, Nov. 8, 1999]

LISTS CONTAINING INFORMATION
COMPILED BY THE COMMISSION

§0.431 The FCC service frequency lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, personal (except General Mobile Radio Service), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection in Washington, D.C., in the Office of Engineering and Technology. Copies may be purchased from the Commission's duplicating contractor. See §0.465(a).

[64 FR 60722, Nov. 8, 1999]

§0.434 Data bases and lists of authorized broadcast stations and pending broadcast applications.

Periodically the FCC makes available copies of its data bases and lists containing information about authorized broadcast stations, pending applications for such stations, and rule-making proceedings involving amendments to the TV and FM Table of Allotments. The data bases, and the lists prepared from the data bases, contain frequencies, station locations, and other particulars. The lists are available for public inspection at the FCC's Reference Information Center at 445 12th Street, SW., Washington, DC. Paper copies of the lists may be purchased from the FCC's duplicating contractor; see §0.465(a). Many of the data bases may be viewed at the Commission's web site at www.fcc.gov, and ftp.fcc.gov under mass media services. Microfiche copies of these lists are maintained by the Reference Information Center. These lists are derived from the data bases and can be used as an alternative research source to the Broadcast Application Processing System (BAPS).

[64 FR 60722, Nov. 8, 1999]

PUBLIC INFORMATION AND INSPECTION OF RECORDS

§0.441 General.

Any person desiring to obtain information may do so by contacting the Consumer Information Bureau. Requests for information, general inquiries, and complaints may be submitted by:

(a) Internet at www.fcc.gov/CIB/FCCINFO or ftp.fcc.gov/CIB/FCCINFO.

(b) Telephone at 1-(888) CALLFCC (1-888-225-5322).

(c) TDD/TDY at (202) 418-0484.

(d) Correspondence at: Consumer Information Bureau, P.O. Box FCC, 445 12th Street, SW., Washington, DC 20554.

(e) Visiting the Reference Information Center of the Consumer Information Bureau at the Commission's main office in Washington, DC.

[64 FR 60723, Nov. 8, 1999]

§ 0.442 Disclosure to other Federal government agencies of information submitted to the Commission in confidence.

(a) The disclosure of records to other Federal government agencies is generally governed by 44 U.S.C. 3512 and 3510(b) rather than the Freedom of Information Act. The acceptance of materials in confidence under § 0.457 or § 0.459 does not provide assurance against their disclosure to other agencies.

(b) Information submitted to the Commission in confidence pursuant to § 0.457(c) (2) and (3), (d) and (g) or § 0.459 will be disclosed to other agencies of the Federal government upon request: *Provided* (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3510(b), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law.

(c) The Commission's staff may give assurances against disclosure of information to other Federal agencies only with the prior written approval of the General Counsel. In no event will assurance against disclosure to other agencies be given in advance of submission of the information to the Commission if submission is required by statute or by the provisions of this chapter; but the notice provisions of paragraph (d) of this section will apply to such information.

(d)(1) Except as provided in paragraphs (d)(2) and (d)(3) of this section, a party who furnished records to the Commission in confidence will be notified at the time that the request for disclosure is submitted and will be afforded 10 days in which to oppose disclosure.

(2) If the agency requesting the records states to the satisfaction of the Commission that notice to the party who furnished the records to the Commission will interfere unduly with its law enforcement activities and further states that it will notify that party of the Commission's disclosure once the potential for such interference is eliminated, the Commission will not give notice of disclosure.

(3) A party who furnished records to the Commission in confidence under § 0.457(d) or 0.459 will not be afforded prior notice when the disclosure is made to the Comptroller General. Such a party will instead be notified of disclosure of the records to the Comptroller General either individually or by public notice.

(4) If disclosure is opposed and the Commission decides to make the records available to the other agency, the party who furnished the records to the Commission will be afforded ten (10) working days from the date of the ruling in which to move for a judicial stay of the Commission's action. If he does not move for stay within this period, the records will be disclosed.

(e) Except as provided in paragraph (d)(3) of this section, nothing in this section is intended to govern disclosure of information to Congress or the Comptroller General.

[44 FR 55573, Sept. 27, 1979; 44 FR 57096, Oct. 4, 1979, as amended at 64 FR 55162, Oct. 12, 1999]

§ 0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.

(a) Adjudicatory opinions and orders of the Commission, or its staff acting on delegated authority, are mailed to the parties, and as part of the record, are available for inspection in accordance with §§ 0.453 and 0.455.

(b) Texts adopted by the Commission or a member of its staff on delegated authority and released through the Office of Media Relations are published in the FCC Record. Older materials of this nature are available in the FCC Reports. In the event that such older materials are not published in the FCC Reports, reference should be made to the FEDERAL REGISTER or Pike and Fischer Radio Regulation.

(c) All rulemaking documents are published in the FEDERAL REGISTER. Summaries of the full Notices of proposed rule making and other rule making decisions adopted by the Commission constitute rulemaking documents for purposes of FEDERAL REGISTER publication. See § 1.412(a)(1). The complete text of the Commission decision also is released by the Commission and is

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available for inspection and copying during normal business hours in the Office of Media Relations or as otherwise specified in the rulemaking document published in the FEDERAL REGISTER. Docketed matters are available to the public via the Electronic Comment Filing System maintained in the Reference Information Center at 445 12th Street, Washington, DC. The complete texts of rulemaking decisions may also be purchased from the Commission's duplicating contractor.

(d) Formal policy statements and interpretations designed to have general applicability and legal effect are published in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer. Commission decisions and other Commission documents not entitled formal policy statements or interpretations may contain substantive interpretations and statements regarding policy, and these are published as part of the document in the FCC Record, FCC Reports or Pike and Fischer. General statements regarding policy and interpretations furnished to individuals, in correspondence or otherwise, are not ordinarily published.

(e) If the documents described in paragraphs (a) through (d) of this section are published in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer Radio Regulation, they may be relied upon, used or cited as precedent by the Commission or private parties in any manner. If they are not so published, they may not be relied upon, used or cited as precedent, except against persons who have actual notice of the document in question or by such persons against the Commission. No person is expected to comply with any requirement or policy of the Commission unless he has actual notice of that requirement or policy or a document stating it has been published as provided in this paragraph. Nothing in this paragraph, however, shall be construed as precluding a reference to the rationale set forth in a recent document that is pending publication if the requirement or policy to which the rationale relates is contained in a published document or if actual notice of that requirement or policy has been given.

(f) The FEDERAL REGISTER, the FCC Record, FCC Reports and Pike and Fischer Radio Regulation are indexed. If the documents described in paragraphs (a)–(d) of this section are not published, they are neither indexed nor relied upon, except as provided in paragraph (e) of this section.

(g) The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Managing Director. The Manual is not indexed but is organized by subject, with tables of contents, and the materials contained therein can be located without difficulty.

(h) Subparts A and B of this part describe the functions of the staff and list the matters on which authority has been delegated to the staff. Except as provided in paragraph (g) of this section, all general instructions to the staff and limitations upon its authority are set forth in those subparts. As part of the Commission's rules and regulations, the provisions of these subparts are indexed in the FEDERAL REGISTER and the Code of Federal Regulations. Instructions to the staff in particular matters or cases are privileged and are not published or made available for public inspection.

(i) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes any document described in this section. The justification for any such deletion will be fully explained in a preamble to the document.

[32 FR 10573, July 19, 1967, as amended at 40 FR 17255, Apr. 18, 1975; 50 FR 27953, July 9, 1985; 51 FR 7444, Mar. 4, 1986; 51 FR 45889, Dec. 23, 1986; 61 FR 8477, Mar. 5, 1996; 64 FR 60723, Nov. 8, 1999]

§0.451 Inspection of records: Generally.

(a) *Records which are routinely available for public inspection.* Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Procedures governing requests for inspection of such records are set out in §0.460.

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(b) *Records which are not routinely available for public inspection.* Records which are not listed in §0.453 or §0.455 are not routinely available for public inspection. Such records fall into two categories.

(1) The first category consists of those records or kinds of records listed in §0.457 and of particular records withheld from public inspection under §0.459. The Commission has determined that there is a statutory basis for withholding these records from public inspection. In some cases, the Commission is prohibited from permitting the inspection of records. In other cases, the records are the property of another agency, and the Commission has no authority to permit their inspection. In still other cases, the Commission is authorized, for reason of policy, to withhold records from inspection, but is not required to do so.

(2) The second category consists of records which are not listed in §0.453, §0.455, or §0.457 and have not been withheld from inspection under §0.459. In some cases, these records have not been identified for listing. In other cases (e.g., the general correspondence files), the Commission is unable to determine either that all records in a class should be routinely available for inspection or that all records in that class should not be routinely available for inspection, and individual determination is required.

(3) Procedures governing requests for inspection of these records are set out in §0.461.

(4) Procedures governing demands by competent authority for inspection of these records are set out in §0.463.

(5) Except as provided in §§0.461 and 0.463, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for public inspection under §0.453 or §0.455, or disclose information contained therein.

(c) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §§0.453 and 0.455 and those which are made available for inspection under §0.461. Section 0.467 applies to requests for certified copies of Commission records.

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(d) *Search fees.* Section 0.466 prescribes fees to cover the expense of searching for records made available for inspection under §0.460 or §0.461.

[40 FR 7313, Feb. 19, 1975]

§0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, DC, Gettysburg, Pennsylvania, and Columbia, Maryland. Much of the information available from the public reference rooms may also be retrieved from the Commission's World Wide Web site at <<http://www.fcc.gov>>:

(a) *The Reference Information Center of the Consumer Information Bureau.* (1) Files containing the record of all docketed cases, petitions for rule making and related papers. A file is maintained for each docketed hearing case and for each docket rule making proceeding. Cards summarizing the history of such cases are available for inspection.

(2) Files, documents, and records related to the following services:

(i) Mass Media Services.

(A) Applications for broadcast authorizations and related files are available for public inspection. Certain broadcast applications, reports and records are also available for inspection in the community in which the station is located or is proposed to be located. See §§73.3526 and 73.3527 of this chapter.

(B) Ownership reports filed by licensees of broadcast stations pursuant to §73.3615.

(C) Network affiliation contracts between stations and networks (for television stations only).

(D) Contracts relating to network service to broadcast licensees filed on or after the 1st day of May 1969 under §73.3613.

(E) Annual employment reports filed by licensees and permittees of broadcast stations pursuant to §73.3612 of this chapter.

(F) Contract files which contain pledges, trust agreements, options to purchase stock agreements, partnership agreements, management consultant agreements, and mortgage or loan agreements.

(G) broadcast applications and related files.

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(H) FM Translator applications and related files.

(I) Station files containing Notice of Apparent Liability and Memorandum of Opinion and Order and related files.

(J) Network correspondence files and related materials.

(ii) Common Carrier Services, including:

(A) Annual reports filed by carriers under §43.21 of this chapter.

(B) Reports on pensions and benefits filed by carriers under §43.42 of this chapter.

(C) Reports of proposed changes in depreciation rates filed by carriers under §43.43 of this chapter.

(D) Tariff schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act, all related documents and communications.

(E) All applications for common carrier authorizations acted upon by the Common Carrier Bureau, and related files.

(F) All formal and informal complaints against common carriers filed under §§1.711 through 1.735 of this chapter, all documents filed in connection therewith, and all communications related thereto.

(G) Annual employment reports filed by common carrier licensees or permittees pursuant to §1.815 of this chapter.

(H) Enforcement proceedings and public inquiries and related materials.

(I) Files containing contracts between carriers and affiliates, accounts and subaccounts, pension filings, property records, disposition units, and depreciation rate filings.

(J) Cost Allocation Manuals and related materials.

(K) Section 214 applications and related files, to the extent that they concern domestic communications facilities and services.

(L) Files containing reports required by FCC Rules and Regulations, annual reports to stockholders, administrative reports, monthly bypass reports and related materials.

(M) Files containing reference material from major telephone companies.

(N) Files containing Local Exchange Rates and related files.

(O) Currently effective tariffs filed by Communications Common Carriers pursuant to various FCC Rules and Regulations.

(P) Recent revisions to tariff filings and the Reference Information Center Log which is prepared daily and lists the tariff filings received the previous day.

(iii) Wireless Telecommunications Services and Auction related data including:

(A) Station files containing a complete history of data submitted by the applicant that has been approved by the Commission which includes background material.

(B) Pending files containing applications for additional facilities or modifications of existing facilities.

(C) Cellular and Paging Granted Station files and related materials.

(D) Pending cellular and paging applications and related files.

(E) Electronically stored application and licensing data for commercial radio operators and for all authorizations in the Wireless Radio services are available for public inspection via the Commission's wide area network. Wireless Radio services include Commercial and Private Mobile Radio, Common Carrier and Private Operational Field point-to-point Microwave, Local Television Transmission Service (LTTS), Digital Electronic Message Service (DEMS), Aviation Ground and Marine Coast applications. Some of these services are available electronically now and most will be available on electronically within 90 days of the implementation of the Universal Licensing System (ULS).

(F) Petitions and related materials.

(iv) International Services, except to the extent they are excluded from routine public inspection under another section of this chapter:

(A) Satellite and earth station applications files and related materials under parts 25 and 100 of this chapter;

(B) Section 214 applications and related files under part 63 of this chapter, to the extent that they concern international communications facilities and services;

(C) International Fixed Public Radio applications and related files under part 23 of this chapter;

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(D) Files relating to submarine cable landing licenses and applications for such licenses since June 30, 1934, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of the Communications Act (see §0.457(c)(1)(i));

(E) Documents relating to INTELSAT or INMARSAT;

(F) International broadcast applications, applications for permission to deliver programming to foreign stations, and related files under part 73 of this chapter;

(v) Cable services. The following files and documents are available, including:

(A) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.

(B) Special relief petitions and files pertaining to cable television operations.

(C) Cable television system reports filed by operators pursuant to §76.403 of this chapter.

(D) Annual employment reports filed by cable television systems pursuant to §76.77 of this chapter.

(E) Files and documents related to Cable Television Relay Service (CARS)

(b) *Gettysburg Reference Office of the Reference Information Center.* Station files containing applications and related materials for Remote Pickup, Aural STL/ICR, TV Auxiliary, and Low Power Auxiliary Stations in the mass media services. Files regarding Wireless Services are also available up to 90 days after the implementation of the Universal Licensing System (ULS) at which time they become electronically available.

(c) *The Library.* Various legal and technical publications, and legislative history compilations, related to communications are available for inspection in the Library.

(d) *The Office of Engineering and Technology, FCC Laboratory Reference Room.* The following documents, files and records are available for inspection at this location. Files containing ap-

proved applications for Equipment Authorization and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(e) *The International Bureau.* The International Bureau maintains international settlement agreements and contracts and international cable agreements.

(f) *The Cable Bureau.* The Cable Bureau maintains all cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission had assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to §0.459 that such information not be made routinely available for public inspection.

(g) *The Common Carrier Bureau, Network Services Division Public Reference Room.* Section 214 applications and related files, to the extent that they concern domestic communications facilities and services are available for inspection at this location.

(1) [Reserved]

(2) Section 214 applications and related files, to the extent that they concern domestic communications facilities and services.

(h) *The Wireless Telecommunications Bureau, Commercial Mobile Services Reference Room.* The following documents, files and records are available for inspection at two different locations. The Legal Branch is the responsible custodian for both locations.

(1) *The Wireless Telecommunications Bureau Reference Room—Gettysburg.* Commercial radio operator application files and all authorizations in the Wireless Radio Services and files relating thereto, which includes Land Mobile, Microwave, Aviation Ground and Marine Coast applications. All of these materials are available in the Commission's offices in Gettysburg, Pennsylvania. See §0.457(f)(3). This reference room also contains station files containing applications and related materials for Remote Pickup, Aural STL/ICR, TV Auxiliary, and Low Power Auxiliary Stations in the Mass Media

services. This reference room also contains station files containing applications and related materials for the Point-to-Point Microwave (including the Local Television Transmission Service) and Digital Electronic Message (DEMS) services in the Common Carrier services. Cards summarizing the historical record of applications and dispositions of the Broadcast Auxiliary service through May 1982 are available for inspection as well.

(2) Pending files containing applications for additional facilities or modifications of existing facilities.

(3) Cellular Granted Station files and related materials.

(4) Pending cellular applications and related files.

(5) Petitions and related materials.

(i) *The Common Carrier Bureau, Industry Analysis Reference Room.* The following documents, files and records are available for inspection at this location.

(1) Files containing reports required by FCC Rules and Regulations, annual reports to stockholders, administrative reports, monthly bypass reports and related materials.

(2) Files containing reference material from major telephone companies.

(3) Files containing Local Exchange Rates and related files.

(j) *The Common Carrier Bureau Reference Room, Tariff Review Reference Room.* Contains currently effective tariffs filed by Communications Common Carriers pursuant to various FCC Rules and Regulations. Also available for review and copying are recent revisions to tariff filings and the Public Reference Room Log which is prepared daily and lists the tariff filings received the previous day.

(k) *The Office of Engineering and Technology, FCC Laboratory Reference Room.* The following documents, files and records are available for inspection at this location. Files containing approved applications for Equipment Authorization and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(l) *The Private Radio Bureau Reference Room.* Commercial radio operator application files and all authorizations in the Private Radio Services and files re-

lating thereto, which includes Land Mobile, Microwave, Aviation Ground and Marine Coast applications. All of these materials are available in the Commission's offices in Gettysburg, Pennsylvania. See §0.457(f)(3). This reference room also contains station files containing applications and related materials for Remote Pickup, Aural STL/ICR, TV Auxiliary, and Low Power Auxiliary Stations in the Mass Media services. This reference room also contains station files containing applications and related materials for the Point-to-Point Microwave (including the Local Television Transmission Service) and Digital Electronic Message (DEMS) services in the Common Carrier services. Cards summarizing the historical record of applications and dispositions of the Broadcast Auxiliary service through May 1982 are available for inspection as well.

(m) *The International Bureau Reference Room.* Except to the extent they are excluded from routine public inspection under another section of this chapter, the following documents, files, and records are available for inspection at this location:

(1) Satellite and earth station applications files and related materials under parts 25 and 100 of this chapter;

(2) Section 214 applications and related files under part 63 of this chapter, to the extent that they concern international communications facilities and services;

(3) International Fixed Public Radio applications and related files under part 23 of this chapter;

(4) Files relating to submarine cable landing licenses and applications for such licenses since June 30, 1934, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of the Communications Act (see §0.457(c)(1)(i));

(5) Files relating to international settlements under part 64 of this chapter;

(6) Documents relating to INTELSAT or INMARSAT;

(7) International broadcast applications, applications for permission to deliver programming to foreign stations, and related files under part 73 of this chapter; and

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(8) International settlement agreements and contracts and international cable agreements.

(n) *The Cable Services Bureau Reference Center*. The following documents, files and records are available for inspection at this location.

(1) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(2) All cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission has assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(3) Special relief petitions and files pertaining to cable television operations.

(4) Cable television system reports filed by operators pursuant to § 76.403 of this chapter.

(o) Electronically stored application and licensing data for commercial radio operator applications and all authorizations in the Wireless Radio services are available for public inspection via the Commission's wide area network. Wireless Radio services include Commercial and Private Mobile Radio, Common Carrier and Private Operational Fixed Point-to-Point Microwave, Local Television Transmission Service (LTTS), Digital Electronic Message Service (DEMS), Aviation Ground and Marine Coast applications.

[32 FR 10573, July 19, 1967, as amended at 46 FR 27655, May 21, 1981; 50 FR 40014, Oct. 1, 1985; 52 FR 38764, Oct. 19, 1987; 58 FR 19772, Apr. 16, 1993; 59 FR 32132, June 22, 1994; 60 FR 5325, Jan. 27, 1995; 60 FR 35507, July 10, 1995; 63 FR 36596, July 7, 1998; 63 FR 68919, Dec. 14, 1998; 64 FR 28936, May 28, 1999; 64 FR 60723, Nov. 8, 1999]

EDITORIAL NOTE: At 64 FR 28936, May 28, 1999, the introductory text of § 0.453 was revised, however no effective date was given. The revised text is set forth below.

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§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, DC:

* * * * *

EFFECTIVE DATE NOTE: At 64 FR 28936, May 28, 1999, in § 0.453 paragraph (o) was added, effective 90 days after ULS is implemented for all services licensed by the Wireless Telecommunications Bureau.

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453, 0.457, and 0.459, records are routinely available for inspection in the Reference Information Center or the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those offices upon request. Many of these records may be retrieved from the Commission's site on the World Wide Web, located at <<http://www.fcc.gov>>. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) *Mass Media Bureau*. (1) Rulings under the Fairness Doctrine and section 315 of the Communications Act, and related materials.

(2) Ruling lists which contain brief summaries of rulings.

(3) Congressional correspondence and related materials.

(b) *Common Carrier Bureau*. (1) Reports of public coast station operators filed under § 43.71 of this chapter.

(2) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See § 0.457(c)(2).

(3) Computer II files and related materials.

(c) *Office of Managing Director*. (1) All minutes of Commission actions, containing a record of all final votes, minutes of actions and internal management matters as provided in § 0.457(b)(1)

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and (c)(1)(i). These records and files are available for inspection in the Agenda Branch.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Publications Branch.

(3) See §0.443.

(4) Reports filed pursuant to subpart E of part 19 of this chapter and applications for inspection of such reports. See §0.460(k).

(d) *Cable Services Bureau*. Correspondence and other actions and decisions relating to cable television services that are not filed in the FCC Reference Information Center, e.g. rate regulation files and related documents.

(e) Office of Engineering and Technology which includes the Bureau's Technical Library containing technical reports, technical journals, and bulletins of spectrum management and related technical materials. Also files containing approved applications for Equipment Authorization (Type accepted, certified and notified) and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(1) Experimental application and license files.

(2) The Master Frequency Records.

(3) Applications for Equipment Authorization (type accepted, type approval, certification, or advance approval of subscription television systems), following the effective date of the authorization. See §0.457(d)(1)(ii). (Application files, technical journals and other technical materials are maintained at the Commission's Laboratory at Columbia, Maryland.)

(f) *Wireless Telecommunications Bureau*. See §0.453(o) of this chapter.

(g) *International Bureau*. The treaties and other international and bilateral agreements listed in §73.1650 of this chapter are available for inspection in the office of the Chief, Planning and Negotiations Division, International Bureau. Also contracts and other arrangements filed under §43.51 and reports of negotiations regarding foreign communication matters filed under §43.52 of this chapter, except for those kept confidential by the Commission

pursuant to section 412 of the Communications Act. See §0.457(c)(3). Also files relating to international settlements under part 64 of this chapter.

[64 FR 60724, Nov. 8, 1999]

§0.457 Records not routinely available for public inspection.

The records listed in this section are not routinely available for public inspection. The records are listed in this section by category, according to the statutory basis for withholding those records from inspection; and under each category, if appropriate, the underlying policy considerations affecting the withholding and disclosure of records in that category are briefly outlined. Except where the records are not the property of the Commission or where the disclosure of those records is prohibited by law, the Commission will entertain requests from members of the public under §0.461 for permission to inspect particular records withheld from inspection under the provisions of this section, and will weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in the light of the facts of the particular case. In making such requests, it is important to appreciate that there may be more than one basis for withholding particular records from inspection. The listing of records by category is not intended to imply the contrary but is solely for the information and assistance of persons making such requests. Requests to inspect or copy the transcripts, recordings or minutes of agency or advisory committee meetings will be considered under §0.603 rather than under the provisions of this section.

(a) *Materials that are specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, 5 U.S.C. 552(b)(1).* (1) E.O. 10450, "Security Requirements for Government Employees," 18 FR 2489, April 27, 1953, 3 CFR, 1949-1953 Comp., p. 936. Pursuant to the provisions of E.O. 10450, reports and other material and information developed in security investigations are the property of the investigative agency. If they are retained by the Commission,

it is required that they be maintained in confidence and that no access be given to them without the consent of the investigative agency. Such materials and information will not be made available for public inspection. See also paragraphs (f) and (g) of this section.

(2) E.O. 10501, “Safeguarding Official Information in the Interests of the Defense of the United States,” 18 FR 7049, November 10, 1953, as amended, 3 CFR, 1965 ed., p. 450. E.O. 10501, as amended, provides for the classification of official information which requires protection in the interests of national defense, and prohibits the disclosure of classified information except as provided therein. Classified materials and information will not be made available for public inspection. See also, E.O. 10033, February 8, 1949, 14 FR 561, 3 CFR, 1949–1953 Comp., p. 226, and 47 U.S.C. 154(j).

(b) *Materials that are related solely to the internal personnel rules and practices of the Commission, 5 U.S.C. 552(b)(2).* (1) Materials related solely to internal management matters, including minutes of Commission actions on such matters. Such materials may be made available for inspection under §0.461, however, unless their disclosure would interfere with or prejudice the performance of the internal management functions to which they relate, or unless their disclosure would constitute a clearly unwarranted invasion of personal privacy (see paragraph (f) of this section).

(2) Materials relating to the negotiation of contracts.

(3) All materials used in conducting radio operator examinations, including test booklets, Morse Code tapes, and scoring masks.

(c) Materials that are specifically exempted from disclosure by statute (other than the Government in the Sunshine Act, 5 U.S.C. 552b): *Provided*, That such statute (1) requires that the materials be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of materials to be withheld. The Commission is authorized under the following statutory

provisions to withhold materials from public inspection.

(1) Section 4(j) of the Communications Act, 47 U.S.C. 154(j), provides, in part, that, “The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense.” Pursuant to that provision, it has been determined that the following materials should be withheld from public inspection (see also paragraph (a) of this section):

(i) Maps showing the exact location of submarine cables.

(ii) Minutes of Commission actions on classified matters.

(iii) Maps of nation-wide point-to-point microwave networks.

(2) Under section 213(f) of the Communications Act, 47 U.S.C. 213(f), the Commission is authorized to order, with the reasons therefor, that records and data pertaining to the valuation of the property of common carriers and furnished to the Commission by the carriers pursuant to the provisions of that section, shall not be available for public inspection. If such an order has been issued, the data and records will be withheld from public inspection, except under the provisions of §0.461. Normally, however, such data and information is available for inspection. See §0.455(c) (8).

(3) Under section 412 of the Communications Act, 47 U.S.C. 412, the Commission may withhold from public inspection certain contracts, agreements and arrangements between common carriers relating to foreign wire or radio communication. Reports of negotiations regarding such foreign communication matters, filed by carriers under §43.52 of this chapter, may also be withheld from public inspection under section 412. Any person may file a petition requesting that such materials be withheld from public inspection. To support such action, the petition must show that the contract, agreement or arrangement relates to foreign wire or radio communications; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that the public interest would

be served by keeping its terms confidential. If the Commission orders that such materials be kept confidential, they will be made available for inspection only under the provisions of §0.461.

(4) Section 605 of the Communications Act, 47 U.S.C. 605, provides, in part, that, "no person not being authorized by the sender shall intercept any communication [by wire or radio] and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communications to any person." In executing its responsibilities, the Commission regularly monitors radio transmissions (see §0.116). Except as required for the enforcement of the communications laws, treaties and the provisions of this chapter, or as authorized in section 605, the Commission is prohibited from divulging information obtained in the course of these monitoring activities; and such information, and materials relating thereto, will not be made available for public inspection.

(5) Section 1905 of the Criminal Code, 18 U.S.C. 1905, prohibits the unauthorized disclosure of certain confidential information. See paragraph (d) of this section.

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential—categories of materials not routinely available for public inspection, 5 U.S.C. 552(b)(4) and 18 U.S.C. 1905.*

(1) The materials listed in this subparagraph have been accepted, or are being accepted, by the Commission on a confidential basis pursuant to 5 U.S.C. 552(b)(4). To the extent indicated in each case, the materials are not routinely available for public inspection. If the protection afforded is sufficient, it is unnecessary for persons submitting such materials to submit therewith a request for non-disclosure pursuant to §0.459. A persuasive showing as to the reasons for inspection will be required in requests for inspection of such materials submitted under §0.461.

(i) Financial reports submitted by licensees of broadcast stations pursuant to former §1.611 or by radio or television networks are not routinely available for inspection.

(ii) Applications for equipment authorizations (type acceptance, type approval, certification, or advance approval of subscription television systems), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request (See §0.460). Portions of applications for equipment certification of scanning receivers and related materials will not be made available for inspection. This information includes that necessary to prevent modification of scanning receivers to receive Cellular Service frequencies, such as schematic diagrams, technical narratives describing equipment operation, and relevant design details.

(iii) Information submitted in connection with audits, investigations and examination of records pursuant to 47 U.S.C. 220.

(iv) Programming contracts between programmers and multichannel video programming distributors.

(v) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for non-disclosure of certain materials would be honored. See, e.g., 47 CFR chapter I revised as of October 1, 1966, §§0.417, 2.557, 5.204, 5.255, 15.70, 21.406, 80.33, 87.153, 89.215, 91.208, 91.605 and 93.208. Materials submitted under these provisions are not routinely available for public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, they are not routinely available for public inspection. The rules cited in this paragraph (d)(1)(v) were superseded by the provisions of this paragraph (d), effective July 4, 1967. Equipment authorization information accepted on a confidential basis between July 4, 1967 and March 25, 1974, will not be routinely available for inspection and a

persuasive showing as to the reasons for inspection of such information will be required in requests for inspection of such materials submitted under §0.461.

(vi) The rates, terms and conditions in any agreement between a U.S. carrier and a foreign carrier that govern the settlement of U.S. international traffic, including the method for allocating return traffic, if the U.S. international route is exempt from the international settlements policy under §43.51(e)(3) of this Chapter.

(2) Unless the materials to be submitted are listed in paragraph (d)(1) of this section and the protection thereby afforded is adequate, it is important for any person who submits materials which he wishes withheld from public inspection under 5 U.S.C. 552(b)(4) to submit therewith a request for non-disclosure pursuant to §0.459. If it is shown in the request that the materials contain trade secrets or commercial, financial or technical data which would customarily be guarded from competitors, the materials will not be made routinely available for inspection; and a persuasive showing as to the reasons for inspection will be required in requests for inspection submitted under §0.461. In the absence of a request for non-disclosure, the Commission may, in the unusual instance, determine on its own motion that the materials should not be routinely available for public inspection. Ordinarily, however, in the absence of such a request, materials which are submitted will be made available for inspection upon request pursuant to §0.461, even though some question may be present as to whether they contain trade secrets or like matter.

(e) *Interagency and intra-agency memorandums or letters*, 5 U.S.C. 552(b)(5). Interagency and intra-agency memorandums or letters and the work papers of members of the Commission or its staff will not be made available for public inspection, except in accordance with the procedures set forth in §0.461. Only if it is shown in a request under §0.461 that such a communication would be routinely available to a private party through the discovery process in litigation with the Commission will the communication be made avail-

able for public inspection. Normally such papers are privileged and not available to private parties through the discovery process, since their disclosure would tend to restrain the commitment of ideas to writing, would tend to inhibit communication among Government personnel, and would, in some cases, involve premature disclosure of their contents.

(f) *Personnel, medical and other files whose disclosure would constitute a clearly unwarranted invasion of personal privacy*, 5 U.S.C. 552(b)(6). (1) Under Executive Order 10561, 19 FR 5963, September 13, 1954, 3 CFR, 1954–1958 Comp., page 205, the Commission maintains an Official Personnel Folder for each of its employees. Such folders are under the jurisdiction and control, and are a part of the records, of the U.S. Office of Personnel Management. Except as provided in the rules of the Office of Personnel Management (5 CFR 294.701–294.703), such folders will not be made available for public inspection by the Commission. In addition, other records of the Commission containing private, personal or financial information concerning particular employees will be withheld from public inspection.

(2) [Reserved]

(3) Information submitted to the Commission by applicants for commercial radio operator licenses concerning the character and mental or physical health of the applicant is available for inspection only under procedures set forth in §0.461. Except in this respect, or where other aspects of a similar private nature warrant nondisclosure, commercial radio operator application files are available for inspection.

(g) *Investigatory records compiled for law enforcement purposes, to the extent that production of such records would:*

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source;

(5) Disclose investigative techniques or procedures; or

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(6) Endanger the life or physical safety of law enforcement personnel, 5 U.S.C. 552(b)(7).

[32 FR 10573, July 19, 1967, as amended at 32 FR 12180, Aug. 24, 1967; 39 FR 5918, Feb. 14, 1974; 39 FR 27802, Aug. 1, 1974; 40 FR 7313, Feb. 19, 1975; 40 FR 17255, Apr. 18, 1975; 40 FR 34116, Aug. 14, 1975; 40 FR 39507, Aug. 28, 1975; 42 FR 12867, Mar. 7, 1977; 43 FR 51794, Nov. 7, 1978; 45 FR 39850, June 12, 1980; 51 FR 31304, Sept. 2, 1986; 63 FR 36596, July 7, 1998; 63 FR 44167, Aug. 18, 1998; 64 FR 22561, Apr. 27, 1999; 64 FR 34740, June 29, 1999; 66 FR 16879, Mar. 28, 2001]

§0.458 Nonpublic information.

Any person regulated by or practicing before the Commission coming into possession of written nonpublic information (including written material transmitted in electronic form) as described in §19.735-203(a) of this chapter under circumstances where it appears that its release was inadvertent or otherwise unauthorized shall be obligated to return the information to the Commission's Office of Inspector General pursuant to that section. See 47 CFR 19.735-203.

[65 FR 66185, Nov. 3, 2000]

§0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.

(a) Any person submitting information or materials to the Commission may submit therewith a request that such information not be made routinely available for public inspection. (If the materials are specifically listed in §0.457, such a request is unnecessary.) A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from any materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified.

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see §0.457) and of the facts upon which those records are based, including:

(1) Identification of the specific information for which confidential treatment is sought;

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission;

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;

(4) Explanation of the degree to which the information concerns a service that is subject to competition;

(5) Explanation of how disclosure of the information could result in substantial competitive harm;

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure;

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure; and

(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

(c) Casual requests which do not comply with the requirements of paragraphs (a) and (b) of this section will not be considered.

(d)(1) The Commission may defer acting on requests that materials or information submitted to the Commission be withheld from public inspection until a request for inspection has been made pursuant to §0.460 or §0.461. The information will be accorded confidential treatment, as provided for in §0.459(g) and §0.461, until the Commission acts on the confidentiality request and all subsequent appeal and stay proceedings have been exhausted. If a response in opposition to a confidentiality request is filed, the party requesting confidentiality may file a reply.

(2) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be acted upon by the appropriate Bureau or Office Chief, who is directed to grant the request if it presents by a preponderance of the

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evidence a case for non-disclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. If the request is granted, the ruling will be placed in the public file in lieu of the materials withheld from public inspection. A copy of the ruling shall be forwarded to the General Counsel.

(e) If the materials are submitted voluntarily (i.e., absent any direction by the Commission), the person submitting them may request the Commission to return the materials without consideration if the request for confidentiality should be denied. In that event, the materials will ordinarily be returned (e.g., an application will be returned if it cannot be considered on a confidential basis). Only in the unusual instance where the public interest so requires will the materials be made available for public inspection. However, no materials submitted with a request for confidentiality will be returned if a request for inspection is filed under §0.461. If submission of the materials is required by the Commission and the request for confidentiality is denied, the materials will be made available for public inspection.

(f) If no request for confidentiality is submitted, the Commission assumes no obligation to consider the need for non-disclosure but, in the unusual instance, may determine on its own motion that the materials should be withheld from public inspection. See §0.457(g).

(g) If a request for confidentiality is denied, the person who submitted the request may, within 5 working days, file an application for review by the Commission. If the application for review is denied, the person who submitted the request will be afforded 5 working days in which to seek a judicial stay of the ruling. If these periods expire without action by the person who submitted the request, the materials will be returned to the person who submitted them or will be placed in a public file. Notice of denial and of the time for seeking review or a judicial stay will be given by telephone, with follow-up notice in writing. The first day to be counted in computing the time periods established in this subsection is the day after the date of oral notice. Materials will be accorded confidential treatment, as provided in

§0.459(g) and §0.461, until the Commission acts on any timely applications for review of an order denying a request for confidentiality, and until a court acts on any timely motion for stay of such an order denying confidential treatment.

(h) If the request is granted, the status of the materials is the same as that of materials listed in §0.457. Any person wishing to inspect them may submit a request for inspection under §0.461.

(i) Third party owners of materials submitted to the Commission by another party may participate in the proceeding resolving the confidentiality of the materials.

[40 FR 7313, Feb. 19, 1975, as amended at 49 FR 21719, May 23, 1984; 55 FR 8951, Mar. 9, 1990; 63 FR 44167, Aug. 18, 1998; 64 FR 55163, Oct. 12, 1999]

§0.460 Requests for inspection of records which are routinely available for public inspection.

(a) Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Subject to the limitations set out in this section and to the provisions of §0.466 and paragraph (1) of this section, a person who wants to inspect such records need only appear at the specified location and ask to see the records. Many such records also are available through the Commission's site on the World Wide Web, located at <<http://www.fcc.gov>>. Commission documents listed in §0.416 are published in the FCC Record, and many such documents or summaries thereof are also published in the FEDERAL REGISTER.

(b) A person who does not want a copy of the records must appear at the specified location during the office hours of the Commission and must inspect the records at that location. (Procedures governing requests for copies are set out in §0.465.) However, arrangements may be made in advance, by telephone or by correspondence, to make the records available for inspection on a particular date, and there are many circumstances in which such advance arrangements will save inconvenience. If the request is for a large

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number of documents, for example, a delay in collecting them is predictable. Current records may be in use by the staff when the request is made. Older records may have been forwarded to another location for storage.

(c) The records in question must be reasonably described by the person requesting them so as to permit their location by staff personnel. The information needed to locate the records will vary, depending on the records requested. Advice concerning the kind of information needed to locate particular records will be furnished in advance upon request. Members of the public will not be given access to the area in which records are kept and will not be permitted to search the files.

(d) If it appears that there will be an appreciable delay in locating or producing the records (as where a large number of documents is the subject of a single request or where an extended search for a document appears to be necessary), the request shall be submitted in writing, either in person or by mail.

(e) Written requests shall be captioned "REQUEST FOR INSPECTION OF RECORDS", shall be dated, shall list the telephone number (if any) of the person making the request and for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document. Written requests shall, in addition, specify the maximum search fee the person making the request is prepared to pay. (see §0.467)

(f) Written requests shall be delivered or mailed directly to the chief of the organizational unit having custody of the records, as listed in §§0.453 and 0.455. If the request is enclosed in an envelope, the envelope shall be marked, "REQUEST FOR INSPECTION OF RECORDS."

(g) When a written request is received by the custodian of the records, it will be date-stamped.

(h) All requests limited to records listed in §§0.453 and 0.455 will be granted, subject to paragraph (k) of this section. Requests for records listed in those sections shall not be combined with requests for other records.

(i) The records will be produced for inspection at the earliest possible time.

(j) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage and additional charges may be imposed for again producing them.

(k) In addition to the other requirements of this section, the following provisions apply to the reports filed with the Commission pursuant to subpart E of part 19 of this chapter. (1) Such reports shall not be obtained or used:

(i) For any unlawful purpose; (ii) for any commercial purpose, other than by news and communications media for dissemination to the general public; (iii) for determining or establishing the credit rating of any individual; or (iv) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) Such reports may not be made available to any person nor may any copy thereof be provided to any person except upon a written application by such person stating: (i) That person's name, occupation and address; (ii) the name and address of any other person or organization on whose behalf the inspection or copying is requested; and (iii) that such person is aware of the prohibitions on the obtaining or use of the report. Further, any such application for inspection shall be made available to the public throughout the period during which the report itself is made available to the public.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 18 U.S.C. 207(j))

[40 FR 7314, Feb. 19, 1975, as amended at 45 FR 85027, Dec. 24, 1980; 48 FR 44800, Sept. 30, 1983; 53 FR 39093, Oct. 5, 1988; 62 FR 51797, Oct. 3, 1997]

§0.461 Requests for inspection of materials not routinely available for public inspection.

Any person desiring to inspect Commission records which are not listed in §0.453 or §0.455 shall file a request for inspection meeting the requirements of this section.

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(a)(1) The records in question must be reasonably described by the person requesting them, so as to permit their location by staff personnel. See §0.460(c).

(2) The person requesting records under this section may specify the form or format of the records to be produced.

(b)(1) Requests shall be captioned “Freedom of Information Act Request,” shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document.

(2) The request shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see §0.467).

(c) If the records are of the kinds listed in §0.457 or if they have been withheld from inspection under §0.459, the request shall, in addition, contain a statement of the reasons for inspection and the facts in support thereof. In the case of other materials, no such statement need accompany the request; but the custodian of the records may require the submission of such a statement if he determines that the materials in question may lawfully be withheld from inspection.

(d)(1) Requests shall be delivered or mailed to the Managing Director, sent by electronic mail to <foia@fcc.gov>, or sent by facsimile. (For purposes of this section, the custodian of the records is the Chief of the appropriate Bureau or Office.)

(2) If the request is enclosed in an envelope, the envelope shall be marked, “Freedom of Information Act Request.”

(3) An original and two copies of the request shall be submitted. If the request is for materials not open to routine public inspection under §0.457(d) or §0.459, or if a request for confidentiality is pending pursuant to §0.459, one copy of the request will be mailed by the custodian of the records to the person who originally submitted the materials to the Commission.

(e) When the request is received by the Managing Director, it will be assigned to the Freedom of Information Act (FOIA) Control Office, where it will

be date-stamped and assigned to the custodian of the records.

(f) Requests for inspection of records will be acted on as follows by the custodian of the records.

(1) If the Commission is prohibited from disclosing the records in question, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the records are the property of another agency, the request will be referred to that agency and the person who submitted the request will be so advised, with the reasons therefor.

(3) If it is determined that the Commission does not have authority to withhold the records from public inspection, the request will be granted.

(4) If it is determined that the Commission does have authority to withhold the records from public inspection, the considerations favoring disclosure and non-disclosure will be weighed in light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

(5) If there is a statutory basis for withholding part of a document only from inspection, that part will be deleted and the remainder will be made available for inspection.

(6) In locating and recovering records responsive to a FOIA request, only those records within the Commission's possession and control as of the date of its receipt of the request shall be considered.

(g) The custodian of the records will make every effort to act on the request within 20 working days after it is received by the FOIA Control Office. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the custodian may, in any of the following circumstances, extend the time for action by up to 10 working days:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request, or among two or more components of the Commission having substantial subject matter interest therein.

The custodian of the records will notify the requester in writing of any extension of time exercised pursuant to paragraph (g) of this section. If it is not possible to locate the records and make the determination within the extended period, the person or persons who made the request will be provided an opportunity to limit the scope of the request so that it may be processed within the extended time limit, or an opportunity to arrange an alternative time frame for processing the request or a modified request, and asked to consent to an extension or further extension. If the requester agrees to an extension, the custodian of the records will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he or she does not agree to an extension, the request will be denied, on the grounds that the custodian has not been able to locate the records and/or to make the determination within the period for a ruling mandated by the Freedom of Information Act, 5 U.S.C. 552. In that event, the custodian will continue to search for and/or assess the records and will advise the person who made the request of further developments; but that person may file an application for review by the Commission. When action is taken by the custodian of the records, written notice of the action will be given.

(h)(1) Requesters who seek expedited processing of FOIA requests shall submit such requests, along with their FOIA requests, to the Managing Director, as described in §0.461(d). If the request is enclosed in an envelope, the envelope shall be marked "Request for Expedited Proceeding—FOIA Request." An original and two copies of the request for expedition shall be submitted, but only one copy is necessary if sub-

mitted by electronic mail. When the request is received by the Managing Director, it, and the accompanying FOIA request, will be assigned to the FOIA Control Office, where it will be date-stamped and assigned to the custodian of records.

(2) Expedited processing shall be granted to a requester demonstrating a compelling need that is certified by the requester to be true and correct to the best of his or her knowledge and belief.

(3) For purposes of this section, *compelling need* means—

(i) That failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, there is an urgency to inform the public concerning actual or alleged Federal Government activity.

(4)(i) Notice of the determination as to whether to grant expedited processing shall be provided to the requester by the custodian of records within 10 calendar days after receipt of the request by the FOIA Control Office. Once the determination has been made to grant expedited processing, the custodian shall process the FOIA request as soon as practicable.

(ii) If a request for expedited processing is denied, the person seeking expedited processing may file an application for review within five working days after the date of the written denial. The application for review and the envelope containing it (if any) shall be captioned "Review of FOIA Expedited Proceeding Request." The application for review shall be delivered or mailed to the General Counsel. (For general procedures relating to applications for review, see §1.115 of this chapter.) The Commission shall act expeditiously on the application for review, and shall notify the custodian of records of the disposition of such an application for review.

(i)(1) If a request for inspection of records submitted to the Commission in confidence under §0.457(d) or §0.459 is granted, an application for review of the action may be filed by the person

who submitted the records to the Commission or by a third party owner of the records. The application for review and the envelope containing it (if any) shall be captioned “Review of Freedom of Information Action.” The application for review shall be filed within 10 working days after the date of the written ruling, shall be delivered or mailed to the General Counsel, and shall be served on the person who filed the request for inspection of records. The first day to be counted in computing the time period for filing the application for review is the day after the date of the written ruling. If an application for review is not filed within this period, the records will be produced for inspection. The person who filed the request for inspection of records may respond to the application for review within 10 working days after it is filed.

(2) If the request for inspection of records submitted to the Commission in confidence under §0.457(d) or §0.459 is partially granted and partially denied, the person who submitted the records to the Commission, a third party owner of the records and the person who filed the request for inspection of those records may file an application for review within the 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned “REVIEW OF FREEDOM OF INFORMATION ACTION.” The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, it shall be served upon the other person.

(3) If an application for review is denied, the person filing the application for review will be notified in writing and advised of their rights.

(4) If an application for review filed by the person who submitted the records to the Commission or who owns the records is denied, or if the records are made available on review which were not initially made available, the person who submitted the records to the Commission or who owns the records will be afforded 10 working days from the date of the written ruling in which to move for a judicial stay of the Commission’s action. The first

day to be counted in computing the time period for seeking a judicial stay is the day after the date of the written ruling. If a motion for stay is not made within this period, the record will be produced for inspection.

(j) Except as provided in paragraph (i) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application shall be filed within 30 days after the date of the written ruling by the custodian of records, and shall be captioned, “Review of Freedom of Information Action.” The envelope (if any) shall also be so captioned. The application shall be delivered or mailed to the General Counsel and shall be served on the person (if any) who originally submitted the materials to the Commission. That person may file a response within 10 working days after the application for review is filed. If the records are made available on review, the person who submitted them to the Commission (if any) will be afforded 10 working days after the date of the written ruling to seek a judicial stay. *See* paragraph (i) of this section. The first day to be counted in computing the time period for filing the application for review or seeking a judicial stay is the day after the date of the written ruling. (For general procedures relating to applications for review, see §1.115 of this chapter.)

(k) The Commission will make every effort to act on an application for review of an action on a request for inspection of records within 20 working days after it is filed. *See, however,* paragraph (i) of this section. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the General Counsel may, in the following circumstances and to the extent time has not been extended under paragraphs (g) (1)(i), (ii), or (iii) of this section, extend the time for action up to 10 working days. (The total period of extensions taken under this paragraph and under paragraph (g) of this section without the consent of the person who submitted the request shall not exceed 10 working days.):

(1) It is necessary to search for and collect the requested records from field

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facilities or other establishments that are separate from the office processing the request;

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission having substantial subject matter interest therein.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his/her rights and asked to consent to an extension or further extension. If the requester or person who made the request agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If the requestor or person who made the request does not agree to an extension, the Commission will continue to search for and/or assess the record and will advise the person who made the request of further developments; but that person may file a complaint in an appropriate United States district court.

(l) Subject to the application for review and judicial stay provisions of paragraphs (h) and (i) of this section, if the request is granted, the records will be produced for inspection at the earliest possible time.

(m) Staff orders and letters denying requests for inspection are signed by the official (or officials) who give final approval of their contents. If a request is denied by the Commission, notice of denial will set forth the names of the Commissioners participating in the decision.

(n) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional

charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 FR 0.231(d))

[40 FR 39507, Aug. 28, 1975, as amended at 40 FR 59439, Dec. 24, 1975; 45 FR 85028, Dec. 24, 1980; 49 FR 13367, Apr. 4, 1984; 49 FR 38122, Sept. 27, 1984; 53 FR 39093, Oct. 5, 1988; 55 FR 8951, Mar. 9, 1990; 55 FR 9445, Mar. 14, 1990; 62 FR 51797, Oct. 3, 1997; 63 FR 25778, 25779, May 11, 1998; 63 FR 44168, Aug. 18, 1998; 64 FR 55163, Oct. 12, 1999]

§ 0.463 Demand by competent authority for the production of documents or testimony concerning information contained therein.

(a) In the event that a demand (subpoena, order or other demand) is made by a court or other competent authority outside the Commission for the production of records or files or for testimony concerning information contained therein, the Managing Director shall promptly be advised of such demand, the nature of the papers or information sought, and all other relevant facts and circumstances. The Commission will thereupon issue such instructions as it may deem advisable.

(b) Unless specifically authorized to produce such records or files or to testify with respect thereto, any officer or employee of the Commission who is served with a demand for the production of records or files or testimony concerning the same, shall appear in response to the demand and respectfully decline to produce such records or files or to testify concerning them, basing the refusal upon this rule.

(Secs. 4(i), 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[49 FR 13367, Apr. 4, 1984]

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission awards a contract to a commercial duplication firm to make copies of Commission records and offer them for sale to the public. In addition to the charge for copying, the contractor may charge a search fee for

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extracting the requested documents from the Commission's files.

NOTE TO PARAGRAPH (a): The name, address, telephone number, and schedule of fees for the current duplication contractor are published at the time of contract award or renewal in a Public Notice and periodically thereafter. Questions regarding this information should be directed to the Reference Information Division of the Consumer Information Bureau.

(b) The Commission awards a contract to a commercial firm to transcribe Commission proceedings in which a verbatim record is kept and to offer copies of the transcript for sale to the public. Except as authorized by the Commission, the firm is required to retain the capacity to furnish copies of the transcript for a period of 5 years, and may retain that capacity for a longer period, even though another firm is currently transcribing Commission proceedings. Requests for copies of the transcript of the current proceedings should be directed to the current contractor. Requests for transcripts of older proceedings will be forwarded by the Commission to the firm which made the transcript in question; and the names of contracting firms for past years will be furnished upon request.

NOTE TO PARAGRAPH (b): The name, address, telephone number, and schedule of fees for the current transcription contractor are maintained by the Office of the Secretary in the Managing Director's Office.

(c)(1) Contractual arrangements which have been entered into with commercial firms, as described in this section, do not in any way limit the right of the public to inspect Commission records or to extract therefrom whatever information may be desired. Coin-operated and debit card copy machines are available for use by the public.

(2) The Commission has reserved the right to make copies of its records for its own use or for the use of other agencies of the U.S. Government. When it serves the regulatory or financial interests of the U.S. Government, the Commission will make and furnish copies of its records free of charge. In other circumstances, however, if it should be necessary for the Commission to make and furnish copies of its

records for the use of others, the fee for this service shall be 17 cents per page. For copies prepared with other media, such as computer tapes, microfiche or videotape, the charge will be the actual direct cost including operator time. Requests for copying should be accompanied by a statement specifying the maximum copying fee the person making the request is prepared to pay. If the Commission estimates that copying charges are likely to exceed \$25 or the amount which the requester has indicated that he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

NOTE: The criterion considered in acting on a waiver request is whether "waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. 552(a)(4)(A). The following factors are relevant in applying that criterion: the number of persons to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the materials to be released to the general public and the likelihood that a tangible public benefit will be realized. (See Attorney General's 1974 FOI Amdts. Memorandum, at 15.)

(3) Requests for copies by representatives of foreign governments or persons residing in foreign countries shall be submitted to the General Counsel and will be reviewed by the General Counsel under criteria established by the Department of Commerce for controlling the export of technical data.

(4) Certified Documents. Copies of documents which are available or made available, for inspection under §§0.451 through 0.465, will be prepared and certified, under seal, by the Secretary, or for documents located in the Commission's Gettysburg, Pennsylvania Office by his deputy. Requests shall be in writing, specifying the exact documents, the number of copies desired, and the date on which they will be required. The request shall allow a reasonable time for the preparation and certification of copies. The fee for preparing copies shall be the same as that

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charged by the Commission as described in §0.465(c)(2). The fee for certification shall be \$10 for each document.

(d)(1) Computer maintained data bases produced by the Commission may be obtained from the FCC's internet web site at www.fcc.gov.

NOTE: The Commission awards a contract to provide the public with direct electronic access to a portion of the non-Government Master Frequency File data base released for access and residing on the contractor's computer system. The name, address, telephone number, and schedule of fees for the current contractor are published annually at the time of contract award or renewal in a Public notice. This information may be obtained from the Office of Congressional and Public Affairs, Consumer Assistance and Small Business Division, Telephone (202) 632-7000.

(2) Copies of computer generated data stored as paper printouts or on microfiche may also be obtained from the Commission's duplicating contractor (see paragraph (a) of this section).

(d)(3) Copies of computer source programs and associated documentation produced by the Commission shall be obtained from the Office of the Managing Director.

(e) This section has no application to printed publications, which may be purchased from the Superintendent of Documents or private firms (see §§0.411 through 0.420). Nor does it apply to application forms or information bulletins, which are prepared for the use and information of the public and are available upon request (see §§0.421 and 0.423).

(f) Anyone requesting copies of documents pursuant to this section may select either the Commission or the contractor to fulfill the request. If a request goes directly to the contractor, the requester will be charged by the contractor pursuant to the price list set forth in the latest contract. If a request goes directly to the Commission, it shall be sent to the Office of the Managing Director for appropriate

processing according to the fee standards established under the FOIA.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 CFR 0.231(d))

[32 FR 10573, July 19, 1967, as amended at 41 FR 51610, Nov. 23, 1976; 45 FR 85028, Dec. 24, 1980; 49 FR 13368, Apr. 4, 1984; 51 FR 34982, Oct. 1, 1986; 52 FR 36774, Oct. 1, 1987; 53 FR 39093, Oct. 5, 1988; 64 FR 60725, Nov. 8, 1999]

§0.466 Definitions.

(a) For the purpose of §§0.467 and 0.468, the following definitions shall apply:

(1) The term *direct costs* means those expenditures which the Commission actually incurs in searching for and duplicating (and in case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits), and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses, such as costs of space, and heating or lighting the facility in which the records are stored.

(2) The term *search* includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material contained within documents. Such activity should be distinguished, however, from "review" of material in order to determine whether the material is exempt from disclosure (see paragraph (a)(3) of this section).

(3) The term *review* refers to the process of examining documents located in response to a commercial use request (see paragraph (a)(4) of this section) to determine whether any portion of a document located is exempt from disclosure. It also includes processing any documents for disclosure, e.g., performing such functions that are necessary to excise them or otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of FOIA exemptions.

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(4) The term *commercial use* request refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial interests of the requester. In determining whether a requester properly falls within this category, the Commission shall determine the use to which a requester will put the documents requested. Where the Commission has reasonable cause to question the use to which a requester will put the documents sought, or where that use is not clear from the request itself, the Commission shall seek additional clarification before assigning the request to a specific category.

(5) The term *educational institution* refers to a preschool, a public or private elementary or secondary school, an institution or graduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research.

(6) The term *non-commercial scientific institution* refers to an institution that is not operated on a commercial basis as that term is referenced in paragraph (a)(4) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(7) The term *representative of the news media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term *news* means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances where they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organiza-

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tion if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

[53 FR 39093, Oct. 5, 1988]

§ 0.467 Search and review fees.

(a)(1) Subject to the provisions of this section, an hourly fee shall be charged for recovery of the full, allowable direct costs of searching for and reviewing records requested under § 0.460(e) or § 0.461, unless such fees are precluded or waived pursuant to § 0.470. The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

Grade	Hourly fee
GS-1	10.22
GS-2	11.14
GS-3	12.55
GS-4	14.09
GS-5	15.77
GS-6	17.57
GS-7	19.52
GS-8	21.62
GS-9	23.88
GS-10	26.30
GS-11	28.90
GS-12	34.64
GS-13	41.20
GS-14	48.67
GS-15	57.25

NOTE: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2001 and include 20 percent for personnel benefits.

(b) Search fees may be assessed for time spent searching, even if the Commission fails to locate the records or if the records are determined to be exempt from disclosure.

(c) The Commission shall charge only for the initial review, i.e., the review undertaken initially when the Commission analyzes the applicability of a specific exemption to a particular record. The Commission shall not charge for review at the appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption that is subsequently determined not to apply may

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be reviewed again to determine the applicability of other exemptions not previously considered. The costs of such a subsequent review, under these circumstances, are properly assessable.

(d) The fee charged will not exceed an amount based on the time typically required to locate records of the kind requested.

(e) If the Commission estimates that search charges are likely to exceed \$25 or the amount which the requester indicated he/she is prepared to pay, then it shall notify the requester of the estimated amount of fees. Such a notice shall offer the requester the opportunity to confer with Commission personnel with the object of revising or clarifying the request.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Financial Management Division, Office of Managing Director, or as otherwise directed by the Commission.

(h) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397; 47 CFR 0.231(d))

[40 FR 7316, Feb. 19, 1975, as amended at 45 FR 85028, Dec. 24, 1980; 49 FR 13368, Apr. 4, 1984. Redesignated and amended at 53 FR 39093, Oct. 5, 1988; 59 FR 21946, Apr. 27, 1994; 64 FR 31139, June 10, 1999; 65 FR 51234, Aug. 23, 2000; 66 FR 42453, Aug. 13, 2001]

§ 0.468 Interest.

Interest shall be charged those requesters who fail to pay the fees charged. The agency will begin assessing interest charges on the amount billed starting on the 31st day following the day on which the billing was sent. The date on which the payment is received by the agency will determine whether and how much interest is due. The interest shall be set at the rate prescribed in 31 U.S.C. 3717.

[53 FR 39094, Oct. 5, 1988]

§ 0.469 Advance payments.

(a)(1) The Commission may not require advance payment of estimated FOIA fees except as provided in subsection (a)(2) or where the Commission estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250.00 and the requester has no history of payment. Where allowable charges are likely to exceed \$250.00 and the requester has a history of prompt payment of FOIA fees the Commission may notify the requester of the estimated cost and obtain satisfactory assurance of full payment.

(2) Where a requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), the Commission may require the requester to pay the full amount owed plus any applicable interest as provided in § 0.468, and to make an advance payment of the full amount of the estimated fee before the Commission begins to process a new request or a pending request from that requester.

(3) When the Commission acts under paragraph (a) (1) or (2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denials, plus permissible extensions of these time limits) will begin only after the agency has received the fee payments described above.

(b) [Reserved]

[53 FR 39094, Oct. 5, 1988]

§ 0.470 Assessment of fees.

(a)(1) Commercial use requesters. When the Commission receives a request for documents for commercial use, it will assess charges that recover the full direct cost of searching for, reviewing and duplicating the records sought pursuant to §§ 0.466 and 0.467, above.

(2) Educational and non-commercial scientific institution requesters and requesters who are representatives of the news media. The Commission shall provide documents to requesters in these categories for the cost of reproduction

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only, pursuant to §0.465 above, excluding reproduction charges for the first 100 pages, provided however, that requesters who are representatives of the news media shall be entitled to a reduced assessment of charges only when the request is for the purpose of disseminating information.

(3) All other requesters. The Commission shall charge requesters who do not fit into any of the categories above fees which cover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request, pursuant to §§0.467 and 0.465 above, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge.

(b)(1) The 100 page restriction on assessment of reproduction fees in paragraphs (a)(2) and (a)(3) of this section refers to 100 paper copies of a standard size, which will normally be “8½ × 11” or “11 × 14,” or microfiche containing the equivalent of 100 pages or 100 pages of computer printout. Requesters will not be entitled to 100 microfiche.

(2) When the agency reasonably believes that a requester or group of requesters is attempting to segregate a request into a series of separate individual requests for the purpose of evading the assessment of fees, the agency will aggregate any such requests and assess charges accordingly.

(c) When a requester believes he is entitled to a restricted fee assessment pursuant to paragraphs (a)(2) and (a)(3), of this section, or a waiver pursuant to paragraph (e) of this section, the requester must include, in his original FOIA request, a statement explaining with specificity, the reasons demonstrating that he/she qualifies for a restricted fee or a fee waiver. Included in this statement should be a certification that the information will not be used to further the commercial interests of the requester.

NOTE: Anyone requesting a restricted fee must submit the request directly to the Commission and not to the contractor who will provide documents only at the contract price.

(d) If the Commission reasonably believes that a commercial interest exists, based on the information provided pursuant to paragraph (c) of this sec-

tion, the requester shall be so notified and given an additional 5 working days to provide further information to justify receiving a restricted fee. During this time period, the materials will be available for inspection to the extent that the time period exceeds the 10 or 20 day time period for responding to FOIA requests, as appropriate.

(e) Copying, search and review charges shall be waived or reduced by the General Counsel, when “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. 552(a)(4)(A)(iii).

(f) The Commission shall not assess any fees if the routine cost of collecting the fee would be equal to or greater than the fee itself.

[53 FR 39094, Oct. 5, 1988]

PLACES FOR MAKING SUBMITTALS OR REQUESTS, FOR FILING APPLICATIONS, AND FOR TAKING EXAMINATIONS

§0.471 Miscellaneous submittals or requests.

Persons desiring to make submittals or requests of a general nature should communicate with the Secretary of the Commission.

[36 FR 15121, Aug. 13, 1971]

§0.473 Reports of violations.

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted to the Commission in Washington or to any field office.

[32 FR 10578, July 19, 1967]

§0.475 Applications for employment.

Persons who wish to apply for employment should communicate with the Associate Managing Director-Personnel Management.

(Secs. 4(i), 303(n), Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(n); 47 CFR 0.231(d))

[49 FR 13368, Apr. 4, 1984]

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§0.481 Place of filing applications for radio authorizations.

For locations for filing applications, and appropriate fees, see §§1.1102–1.1105 of this chapter.

[56 FR 64714, Dec. 12, 1991]

§0.482 Application for waiver of wireless radio service rules.

All requests for waiver of the rules (see §1.925) governing the Wireless Radio Services (see §1.907) that require a fee (see §1.1102) shall be submitted via the Universal Licensing System or to the Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in §1.1102. Waiver requests that do not require a fee should be submitted via the Universal Licensing System or to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325–7245. Waiver requests attached to applications must be submitted in accordance with §0.401(b) or §0.401(c) of the rules.

[63 FR 68919, Dec. 14, 1998]

§0.483 Applications for amateur or commercial radio operator licenses.

(a) Application filing procedures for amateur radio operator licenses are set forth in part 97 of this chapter.

(b) Application filing procedures for commercial radio operator licenses are set forth in part 13 of this chapter. Detailed information about application forms, filing procedures, and places to file applications for commercial radio operator licenses is contained in the bulletin “Commercial Radio Operator Licenses and Permits.” This bulletin is available from any Commission field office or the FCC, Washington, DC 20554.

[47 FR 53378, Nov. 26, 1982]

§0.484 Amateur radio operator examinations.

Generally, examinations for amateur radio operation licenses shall be administered at locations and times specified by volunteer examiners. (See §97.509). When the FCC conducts examinations for amateur radio operator li-

censes, they shall take place at locations and times designated by the FCC.

[58 FR 13021, Mar. 9, 1993]

§0.485 Commercial radio operator examinations.

Generally, written and telegraphy examinations for commercial radio operator licenses shall be conducted at locations and times specified by commercial operator license examination managers. (See §13.209 of this chapter). When the FCC conducts these examinations, they shall take place at locations and times specified by the FCC.

[58 FR 9124, Feb. 19, 1993]

§0.489 Applications for ship radio inspection and periodical survey.

Applications for ship radio inspection or for periodical survey shall be forwarded to the radio district office nearest the desired port of inspection or place of survey.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]

§0.491 Application for exemption from compulsory ship radio requirements.

Applications for exemption filed under the provisions of §§352(b) or 383 of the Communications Act; Regulation 4, chapter I of the Safety Convention; Regulation 5, chapter IV of the Safety Convention; or Article IX of the Great Lakes Agreement, must be filed as a waiver request using the procedures specified in §0.482 of this part. Emergency requests must be filed via the Universal Licensing System or at the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW–B204, Washington, DC 20554.

[63 FR 68919, Dec. 14, 1998]

§0.493 Non-radio common carrier applications.

All such applications shall be filed at the Commission's offices in Washington, DC.

[28 FR 12413, Nov. 22, 1963. Redesignated at 32 FR 10578, July 19, 1967]